

Chairman Daniel K. Akaka

Review of Veterans' Disability Compensation:
What Changes are Needed to Improve the Appeals Process?

February 11, 2009

Today's hearing will focus on improvements that can address delays in appeals.

During the last Congress, the Committee held four hearings concerning disability compensation: delays in claims processing; the findings and recommendations of the Veterans= Disability Benefits Commission and the Dole-Shalala Commission; a review of the C.N.A. Corporation and Institute of Medicine reports on disability compensation; and the relationship between compensation and rehabilitation for disabled veterans.

A number of reports were published during the last Congress relating to disability evaluation and compensation. Some of the common recommendations include: comprehensively restructuring the disability and compensation system, including consideration for the loss in quality of life caused by injury; improving care for people with PTSD and traumatic brain injury; strengthening support for families of injured veterans; and implementing the technology to transfer patient information across different systems, particularly between DoD and VA. The Committee's focus will return to these related issues as the Session moves forward.

The goal of the Committee is to ensure that claims are adjudicated accurately, in a timely fashion, and as close to the claimant's home as possible. Everyone involved realizes that there is no quick fix to solving problems with disability claims, but the Committee, working with the Administration and those who work with veterans, intends to do all it can to improve this situation.

Tackling the problems in claims adjudication will require a multi-faceted approach. At a very basic level, VA must get claims files organized. Last November I wrote then-Secretary Peake suggesting that during its ongoing efforts to move to paperless files, VA provide an organizational structure for claims files and develop an index of documents contained in each file. These changes would improve processing efficiency, reduce redundancies, and prevent inadvertent shredding of critical documents. In response, VBA formed a working group to assess current folder maintenance procedures, assess best practices, and to develop recommendations for improvements in the current process. I appreciate VA's prompt response to my request.

Another facet of improving the claims and appellate processes is the enhanced use of technology. VA's Office of Information and Technology has been collaborating with the Veterans Benefits Administration to employ enhanced technology platforms to improve the timely delivery of veterans' benefits. Online access to medical data and the ability to navigate and retrieve clinical data with existing computer systems supports the efficient determinations of disability benefits. Moving to a 21st century paperless file system must remain a top priority for VA. VA must also ensure that the technological enhancements it is now instituting are not temporary fixes to a growing problem, but are strategic in nature and embrace modern technology and best business practices.

VA and DoD must continue to build upon the collaboration we have seen in recent years. The Disability Evaluation pilot program was instituted to end the confusing practice of DoD and VA both conducting their own disability evaluations. Under the pilot, VA conducts the single, comprehensive examination while members are still on active duty, and prepares a single disability evaluation. Each military service uses the findings to determine fitness for duty, and those found unfit are medically separated or retired. The services will continue to base their fitness for duty decisions and disability ratings only on the medical conditions that make the member unfit for duty.

DoD announced on January 22, in collaboration with VA, a process designed to expedite a servicemember seriously injured in combat moving from active duty to veteran status. The expedited process is optional, applies to servicemembers whose conditions are designated as "catastrophic," and whose injuries were incurred in the line of duty as a direct result of armed conflict. Participating servicemembers will waive the standard disability evaluation system and will be rated by DoD at a combined rating of 100 percent. These joint programs represent recognition by both Departments that some servicemembers must be fast-tracked through a lengthy and cumbersome process.

Turning now to the issues at hand in this hearing, as Judge Kasold mentions in his testimony, judicial review has now been in place for 20 years. The time is ripe to see what is working, what improvements can be made, and define the purpose and value of several levels of appellate review.

The Board of Veterans' Appeals, which reviews benefit claims appeals and issues decisions on those appeals, grew up in a time where there was no judicial review. BVA was created to give independent review of VA decisions. Now that there is judicial review of VA decisions, it is time to ask, what is the proper role of the Board?

I reiterate that our goal is to provide veterans with accurate and timely resolution to their cases. No idea is too bold. We must act quickly, yet responsibly, to rectify this situation.

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