

# VETERANWARRIORS "ONE FAMILY, ONE FIGHT"

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## **VeteranWarriors Position**

**For the:**

**Comprehensive Veterans Health and Benefits and  
Military Retirement Pay Restoration Act of 2014 (S.1950)**

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## I. Introduction

- A. The “Comprehensive Veterans Health and Benefits and Military Retirement Pay Restoration Act of 2014” is the most comprehensive Senate veterans' bill in recent history. Its passage would accomplish many of the goals for which veterans and veterans’ service organizations have been advocating for years for. It covers Dependent and Survivor, Education, Health Care, Mental Health Care, Training and Employment, Veteran Small Business, VA Accountability and Administrative Improvements, Veteran Claims Processing Improvements, and other benefit or service issues.
- B. The “Comprehensive Veterans Health and Benefits and Military Retirement Pay Restoration Act of 2014”, was sponsored by U.S. Senator Bernie Sanders, (I – VT), in response to the 1% Cost of Living Allowance (COLA) cut established in the Balanced Budget Act (BBA). As a result of the enactment of the BBA, this Senate Bill 1950 (S.1950) was created. Parcels of Senate Bill 944, (which included several items contained herein) were merged into S. 1950. Utilizing input from numerous Veteran Service Organizations (VSO) and veteran advocacy groups, this bill has been co-sponsored by seven other Senators and addresses numerous well known issues in the Department of Veteran Affairs (VA).
- C. VeteranWarriors’ position is that the principles of the numerous provisions of the bill may have significant impact on veterans and the VA overall. Based on actions or inactions of the VA, hundreds of thousands of veterans have not received their earned benefits. Several identified sectors of this Bill will be a corrective step in the right direction to provide needed oversight, accountability and guidance to the debacle of providing earned benefits and services to veterans, which currently exists within the VA.

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D. Generally speaking, VeteranWarriors is against the commencement and or funding of any new programs, assessments or studies for new programs. This position is based on the inordinate amount of data which currently exists showing the significant servicing shortfalls within the VA. The primary mission of VeteranWarriors is to utilize existing resources, funds and personnel; reallocate them so that the current, existing VA programs can become as operational and efficient as they were designed to. This does not mean that there are not some current programs or policies that should be modified to function correctly or that there should be some new programs instituted. The focus should be centric to the fact that the VA is currently not capable of administering the existing programs and policies within the existing laws and policies established. VeteranWarriors believes that our nation needs to address and correct what currently exists in the business model of the VA before taking on new tasks, making more promises or spending more tax dollars, only to have the veterans become entangled in yet another bureaucratic, bloated and inefficient program that does nothing to assist them.

## **II. Veteran Warriors Positions, (annotated as delineated in the Bill);**

A. Sections which we agree with, as written, without modification;

- i. Sections; 101, 102, 103, 104, 105, 106, 107, 110, 201, 202, 203, 204, 205, 206, 301, 302, 303, 304, 307, 309, 310, 311, 312, 313, 324, 323, 327, 329, 342, 344, 351, 354, 355, 361, 362, 364, 371, 372, 374, 375, 376, 377, 378, 381, 382, 401, 402, 406, 411, 412, 413, 414, 415, 431, 432, 433, 434, 441, 442, 443, 444, 445, 503,504, 505, 507, 601, 603, 604, 624, 626, 627, 629, 631, 632, 702, 705, 706, 801, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815

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## **B. Sections that VeteranWarriors believe require alteration or removal;**

**Section 108(c)(1):** (Change) – from "...a three year program..." to "...a one year program..."

**Section 108(c)(2) & (3):** Remove all. **Justification:** The feasibility of this program is already established. The expense and waste of resources to force patients to wait for (up to) five (5) years while it is studied further is unnecessary and inflicts undue harm on the veteran and the subject dependents.

**Section 109:** Remove the entire section. **Justification:** This "retreat" program is not a necessary to provide comprehensive grief counseling. The surviving spouses of those killed while on active duty receive enormous amounts of grief counseling and grief services and are eligible for many outside of the DoD and VA. Additionally, it is fiscally irresponsible to create such a program that targets a very small population of the veteran community which is exclusive from the entire rest of the community.

**Section 305:** This section should be removed. **Justification:** The Primary Care Providers and Primary Care Teams already provide significant counseling at every visit on necessary and available immunizations.

**Section 306:** This section should be removed. **Justification:** Currently, the alternative insurer for veterans, Tricare does not provide coverage for chiropractic care and the Department of Veteran Affairs services provided to veterans and dependents should remain in concert with that of Tricare.

**Section 308:** This section should be completely approved with the only modification of the effective date. **It should be changed to "Effective Immediately"** – (Case analogy): (JWT 2/1/14) *"We move to fl. 4 months ago. My husband who is 68 with 60 percent disability cannot get a primary dr. AND when you call them say he is on the list but have no idea when he will get an appt. This is totally unacceptable. But, what do you do?"*

**Section 314:** This section should be removed: **Justification:** All veterans have been exposed to fitness training and standards while serving. All VA patients receive weight loss counseling and fitness counselling from their Primary Care Providers. It is not a responsibility of the taxpayer to provide the patient with resources to maintain healthy weight standards.

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**Section 315:** This section should be removed: **Justification:** All veterans have been exposed to fitness training and standards while serving. All VA patients receive weight loss counseling and fitness counselling from their Primary Care Providers. It is not a responsibility of the taxpayer to provide the patient with resources to maintain healthy weight standards. It would be an unconscionable burden on the taxpayer and VAMC's to create and provide facilities for patients to access for physical fitness purposes. This program is not compatible with the civilian marketplace and would be an undue burden on the taxpayer to provide it.

**Section 321:** This program should be terminated and not renewed. **Justification:** It is a duplicate of the Post 9/11 GI Bill and provides for tuition, fees, books and a "stipend" to someone wanting to go into the medical field. It only requires a two-year commitment by the student in exchange for these extraordinary benefits. The continuance of this program is an undue burden on the taxpayer and should not be shouldered by the VA.

**Section 322:** This section should be removed. **Justification:** The citation calls for \$10 Million dollars to "promote relationships" and "foster relationships." to improve the VA's orthotic and prosthetic care program. The VA receives its technologically based orthotic and prosthetic care from the DoD. The DoD is the industry leader in high technology, robot limb replacement. This information is FREE to the VA. No funds should ever be allocated for "fostering relationships". The layman's term for "fostering relationships" is kickbacks and corruption.

**Section 325:** This section needs to be modified to read: "...take effect on the date that is one ~~year~~ day after the date of the enactment of this Act." (Strike year, add day). The following should be added to this section; "This section will reinstate the Veterans Implant Tracking and Alert System (VITAS)" and will require the Department of Veterans Affairs to reinstate that program on the same effective date as stated herein; additionally the Department of Veterans Affairs will cause to be created an additional "alert" system within the VITAS system which will notify patients of potential contaminations by infectious diseases".

**Section 326(a)(2):** This section needs to be modified to read: "...~~540 days...~~", Insert 180 days.

**Section 326(d):** This section needs to be modified to read: "...would take effect on the date that is one ~~year~~ after the date..." Insert one month.

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**Section 328(a)(1):** Insert the following to be included in the report;

(I) All medical providers conducting telemedicine must be the properly credentialed provider who is actually writing the end result report. Any deviation must be fully documented and supported by the Director of the VAMC.

(J) During the study, interviews will be conducted with the veteran / patient whom the telemedicine was conducted with to validate the content of the end-result report. Any report that was not completed by the fully credentialed provider who also conducted an in-person examination will be identified for a reevaluation to be scheduled immediately by the VAMC.

**Sections 331, 332 and 333:** These sections should be removed. **Justification:** “Alternative” and “complimentary” health care regimens are NOT reviewed or approved by the Federal Drug Administration (FDA), monitored by the Centers for Disease Control (CDC) or reviewed and endorsed by the American Medical Association (AMA). For a Federally funded and operated agency to utilize, support or endorse these methods is in direct contradiction to many of the regulations, statutes and policies of these organizations. (Example: Fen-Fen was a “weight loss herbal supplement” that was never submitted for approval to the FDA. It was highly promoted and distributed by “alternative medicine practitioners”. After only a few months on the market, the CDC began issuing warnings to the country at large and medical practitioners about the dangerous and sometimes lethal side effects of this “herbal supplement”. Hundreds died before this “herbal supplement” was forced off the market by the FDA.)

**Section 334:** This section should be removed. **Justification:** **I**t should be fully addressed under Section 344.

**Section 341(a):** Remove, “...marriage and family therapists...” **Justification:** The VA is designed to provide benefits and services to veterans. The civilian community has ample resources to provide counseling services for spouses and family members.

**Section 343:** Remove entire section. **Justification:** The VA is designed to provide benefits and services to veterans. The civilian community has ample resources to provide counseling services for spouses and family members.

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**Section 352:** Addition to this section: **Justification:** The existing dental program under the VHA is grossly understaffed with dentists and other support staff. Current regulations provide for those veterans which are 100% disabled to receive services under this program. However, those eligible and in need of these services are waiting over a year to be seen or receive treatment. Immediately upon the enactment of this Act, the Secretary will submit requisitions' to the federal hiring authority to initiate increasing manpower for the dental program, by at least 50% (with 75% of those hired to be fully accredited dentists).

**Section 353:** This section should be removed: **Justification:** All veterans have been exposed to dental health training and standards while serving. All VA patients receive dental hygiene counselling from their Primary Care Providers. It is not a responsibility of the taxpayer to provide the patient with resources to maintain healthy dental standards.

**Section 363:** This section should be removed. **Justification:** Under current VHA guidelines, Primary Care Provider Teams already conduct comprehensive screening for elder, spousal and other forms of abuse. In spite of good intentions, NO entity can create a "tool" for those providers who are not compassionate or using their intuition. Human compassion, intuition and selfless service are the "tools" necessary for medical providers to be able to engage the patient on a more personal level, and to have the patient trust the provider with intimate information such as described in this section.

**Section 373:** This section should be removed. **Justification:** There is NO civilian precedence for providing financial remuneration for those who suffer from infertility as derived from a service-connected injury / illness and who CHOOSE not to utilize the VA programs provided for such. Veterans who are eligible for dental services but cannot be seen at the VA dental clinics for a year or more (due to understaffing) do not have the luxury of being paid to go to an civilian provider.

**Section 379:** Remove the entire section. **Justification:** This "retreat" program is not a necessary to provide comprehensive transition counseling. It is fiscally irresponsible to create such a program that targets a very small population of the veteran community which is exclusive from the entire rest of the community. Female veterans, like their male counterparts, need ready access to ALL VA programs – including employment, healthcare and psychiatric. They do not need "camping trips" to reintegrate into civilian life.

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**Section 403:** This section should be removed. **Justification:** Any veteran who has completed the program AND exhausted unemployment benefits should NOT be eligible for an extension of VR &E. The VR & E is an established program, under which the veteran has the opportunity to achieve both education and employment. Any failure on the part of the veteran to attain employment should not create eligibility for any additional financial programs from the VA.

**Section 404:** This section should be edited. **Justification:** Within the Federal government, there already exists a unified, online employment portal wherein veterans can obtain information regarding all Federal and Civilian (Federal contractor) employment opportunities...USAJobs is a reliable, well-managed and important resource for this veteran need. The VA does not need nor should be allowed to “reinvent the wheel”. The Secretary should be instructed to comply with Federal job posting requirements and employment counseling should be including this Federal portal. During exit-briefings, all active duty personnel are briefed on the availability of this portal as well as multiple other resources to include the Department of Labor (DOL).

**Section 405:** This section should be removed. **Justification:** Within the Federal government, there already exists a unified, online employment portal wherein veterans can obtain information regarding all Federal and Civilian (Federal contractor) employment opportunities...USAJobs is a reliable, well-managed and important resource for this veteran need. The VA does not need nor should be allowed to “reinvent the wheel”. The Secretary should be instructed to comply with Federal job posting requirements and employment counseling should be including this Federal portal. During exit-briefings, all active duty personnel are briefed on the availability of this portal as well as multiple other resources to include the Department of Labor (DOL).

**Section 414:** This section should be edited to state, in every location in the section, “...contractors that employ ~~five (5) percent~~ of veterans – should read “...ten (10) percent...”

**Section 421:** This section should be TABLED for future consideration. **Justification:** Currently, the VA has significant obstructions to managing existing programs, obligations and procedures. These obstructions are being addressed both internally by the VA and externally by Congress. While a worthwhile program, the possibility of instituting yet another new program is a challenge that currently the VA will struggle to set up, fund and operate until several significant areas of operation are reformed. When these obstructions are resolved,

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this program should be reviewed in the light of being all inclusive to all veterans, regardless of age, era of service or disability rating percentages.

**Section 501:** This section requires significant editing. **Justification:** The VA has since 1995, had VISN's in place and are geographically defined. There has never been a set of strict policies under which the VISN must operate or granting them authority with regard to patient healthcare. We agree that the VISN must be held responsible for, "...high quality health care to veterans, increases efficiency in care delivery, implements best practices, enhances collaboration with partner entities, among other management functions." However, there is a significant lacking in authority to the VISN to allow those offices to conduct their assigned duties. This section must include, "The Secretary bestows upon the VISN, the authority to override the VAMC directors' instruction, direction or policy, with regard to implementing, conducting or managing any of the forenamed duties. The VISN will be held responsible for enforcement of VA / VBA / VHA policies and procedures, to include enforcement by override of any Directors' instruction, direction or policy. The VISN will be held responsible for violations of VA/VBA/VHA policy that are under the VISN authority and direction.

**Section 502:** This section requires significant editing. **Justification:** The VA has since 1995, had RSC's in place and are geographically defined. There has never been a set of strict policies under which the RSC must operate or granting them authority with regard to patient healthcare. We agree that the RSC must be held responsible for, "...high quality health care to veterans, increases efficiency in care delivery, implements best practices, enhances collaboration with partner entities, among other management functions." However, there is a significant lacking in authority to the RSC to allow those offices to conduct their assigned duties. This section must include, "The Secretary bestows upon the RSC, the authority to override the VISN directors' instruction, direction or policy, with regard to implementing, conducting or managing any of the forenamed duties. The RSC will be held responsible for enforcement of VA / VBA / VHA policies and procedures, to include enforcement by override of any Directors' instruction, direction or policy. The RSC will be held responsible for violations of VA/VBA/VHA policy that are under the RSC authority and direction.

**Section 506:** This section should be edited to read, (Remove – "require GAO") Insert – the Secretary shall create, within ninety (90) days of the enactment of this Act, a working group to consist of the following; the Secretary or his designee, 2 members from different Veterans Service Organizations to be selected one each, by

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the House and the Senate Veterans Affairs Committees, and 2 Subject Matter Experts to be selected (one each), not employed or affiliated with the VA, by the House and the Senate Committees on Veterans Affairs. The Secretary will afford this working group, unfettered access to all raw data, veterans' files and work product of the VA. The working group shall commence the study of the data required to complete the report, for a period not to exceed one-hundred, eighty (180) days. The working group will submit its report to both Veterans Affairs Committees no later than sixty (60) days from completion of its study period.

**Section 602:** This section should be removed. **Justification:** No other category of veterans is entitled to a case representative liaison to represent them in issues with the VA.

**Section 611:** Remove this section. **Justification:** DIC claims by their very nature are FDC claims. They are comprised of the VA form 21-534, the marriage certificate and the death certificate of the eligible veteran. There is currently an expediting process for all claims in place already and if the VA gets their claim inventory down to under 125 days for processing, expediting will not be necessary in a high percentage of claims.

**Section 612:** Should be moved to Subtitle C – Agency of Original Jurisdiction. **Justification:** **should not be limited to DIC claims, rather should include all claims for Compensation, Pensions or Benefits.** Remove, "...require the VA to provide recommendations..." and insert, "...the Secretary shall within ninety (90) days of the enactment of this Act, establish a working group to consist of the following; the Secretary or his designee, 2 members from different Veterans Service Organizations to be selected one each, by the House and the Senate Veterans Affairs Committees, and 2 Subject Matter Experts to be selected (one each), not employed or affiliated with the VA, by the House and the Senate Committees on Veterans Affairs. The Secretary will afford this working group, unfettered access to all raw data, veterans' files and work product of the VA. The working group shall commence the study of the data required to complete the report, for a period not to exceed one-hundred, eighty (180) days. The working group will submit its report to both Veterans Affairs Committees no later than sixty (60) days from completion of its study period.

**Section 621(b)(3):** Remove "...the Secretary selects..." and insert "...House and Senate Committees on Veterans Affairs selects..." and "...the Secretary shall within ninety (90) days of the enactment of this Act, create a working group to consist of the following; the Secretary or his designee, 2 members from different Veterans Service Organizations to be selected one each, by the House and the Senate Veterans Affairs

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Committees, and 2 Subject Matter Experts to be selected (one each), not employed or affiliated with the VA, by the House and the Senate Committees on Veterans Affairs. The Secretary will afford this working group, unfettered access to all raw data, veterans' files and work product of the VA. The working group shall commence the study of the data required to complete the report, for a period not to exceed one-hundred, eighty (180) days. The working group will submit its report to both Veterans Affairs Committees no later than sixty (60) days from completion of its study period.

**Section 621(b)(4):** Remove "...Secretary..." and Insert " as selected by the House and Senate Committees on Veterans Affairs."

**Section 622(b)(4):** Add to this section: The Secretary shall, within 30 days of the enactment of this Act, procure "Proficiency Examinations" as currently exist in the civilian health insurance industry for Claims Rating Examiners (Adjusters). The Secretary will then require that within 180 days after the procurement period, all Front Line Claims Examiners, Case Managers, Supervisors, Decision Review Officers and Decision Review Supervisors complete the examination, to be administered by and at an independent third party. The results of the examinations will be immediately report to the House and Senate Committees on Veterans Affairs. The reports shall consist of the individual's actual work location, position, title and test results. The employees will be identified only by a randomly selected numerical value, identifiable on to each employee.

Remove the "...VA..." and insert, "...the Secretary shall within ninety (90) days of the enactment of this Act, create a working group to consist of the following; the Secretary or his designee, 2 members from different Veterans Service Organizations to be selected one each, by the House and the Senate Veterans Affairs Committees, and 2 Subject Matter Experts from the civilian health insurance industry to be selected (one each), not employed or affiliated with the VA, by the House and the Senate Committees on Veterans Affairs. The Secretary will afford this working group, unfettered access to all raw data, veterans' files and work product of the VA. The working group shall commence the study of the data required to complete the report, for a period not to exceed one-hundred, eighty (180) days. The working group will submit its report to both Veterans Affairs Committees no later than sixty (60) days from completion of its study period."

**Section 623:** Add to this section; "To include reciprocal requests from all other Federal agencies, government bodies and legislators from the VA..."

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# VETERANWARRIORS "ONE FAMILY, ONE FIGHT"

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**Section 625:** Remove this section. **Justification:** There are already dozens of Veterans Service Officers. Section 624 would create an inclusion of Indian tribes as eligible to represent veterans, for the purposes of Section 625.

**Section 628:** Remove this section. **Justification:** The VA already has established policies and procedures to expedite claims processing. If the VA provides that claims processing is below the 125 day aging mark, expediting is no longer necessary. Temporary, intermediate and provisional ratings do not benefit the veteran because; these temporary ratings get “lost” and are not a priority in processing to completion, these temporary ratings do not provide for “retroactive payment” of claimed issues back to the claims dates and put an undue, extreme burden on the veteran to continue the claim process and medical examinations when the VA has had an appropriate amount of time to process the claims for permanent ratings. Although “temporary” ratings provide the veteran with an immediate, if incorrect, rating compensation, they are not necessarily correct ratings and disadvantage the veteran (in the cases where a veteran should be rated at 100% Total and Permanent), because these “temporary” ratings do not allow the veterans access to other benefits they are entitled to.

**Section 701:** This section should be removed. **Justification:** The VA already has an enormous “Outreach” and Public Affairs budget. Many of the VSO’s and Advocacy organization already provide ample information for veterans to access their benefits. The VA does not need yet another “outreach” program.

**Section 703:** This section should be removed. **Justification:** The VA already has an enormous “Outreach” and Public Affairs budget. Many of the VSO’s and Advocacy organization already provide ample information for veterans to access their benefits. The VA does not need yet another “outreach” program.

**Section 704:** This section should be removed. **Justification:** The VA already has an enormous “Outreach” and Public Affairs budget. Many of the VSO’s and Advocacy organization already provide ample information for veterans to access their benefits. The VA does not need yet another “outreach” program.

**Section 802:** Edit this section to read, “...within ~~three~~ years, INSERT one year, before applying...”

**Section 816:** Add to this section; “No bonuses shall be awarded to any VA employee whose employment and position with the VA, is based upon or is contingent upon licensure, certification or registration, and whose

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license, certification and/or registration has been suspended more than once, terminated or revoked in any state, for any reason. No bonuses shall be awarded to any VA employee who has been convicted of any felony criminal offense by a federal, state or municipal law enforcement agency. Any employee, who has previously received a bonus and is then later convicted of a felony level crime that occurred while the employee was employed by the VA, must return all bonuses to the VA. Effective the day after the enactment of this Act, the Secretary is authorized to seek return of all bonuses from any employee found to have violated this section. This section will be effective one day after the enactment of this Act.

## **RECOMMENDED ADDITIONS TO S. 1950 (Issues not addressed in any section of S.1950)**

**It is recommended that the following section be added to Senate Bill 1950 for consideration:**

“Upon the enactment of this Act, the Secretary shall immediately designate the term “accuracy” to only be utilized and calculated in the same method as utilized by the VA-OIG. The Secretary shall designate all VARO’s to only use the VA-OIG definition of “Accuracy” going forward.”

“The Secretary shall provide to both Committees, within sixty days of the enactment of this Act, a full disclosure report, identifying the “third party” verifier of VA claims; to include all criteria prescribed to calculate “accuracy”, the contracted company’s name, address of record, principles of the company, contract dates and contract amounts. This report will include the process by which this third party is allowed access to the claims to make such determinations of “accuracy”, what methods are in place to insure that veterans Personally Identifiable Information are secured from dissemination or cross-contamination; and the credentials of qualification of this third party contractor. This report shall also include the methods by which this contractor reports accuracy to the VBA and the schedule of data collection and report submission. This report shall include the full name and title of the authorizing VBA personnel who contracted the third party.”

**Justification:** The VBA currently claims that the “accuracy” of claims being processed is over 80% and climbing every week. On December 4, 2013, Mr. Thomas Murphy, Director of Compensation Services for the VBA, testified at the House Committee on Veterans Affairs – DAMA subcommittee hearing, stated that the VBA uses the theory of, “...Did the veteran receive the right check for what they had (claimed).” He

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essentially stated that the VBA defines accuracy as, “That if the veteran is entitled to a certain percentage rating for a disability, as long as the end result percentage number agreed with that, they (VBA) considered that an accurately adjudicated claim. During the same hearing, Sondra McCauley, the representative from the VA-OIG testified that her office calculates “accuracy” based on the use of processes and outcome of claim compared to the laws, policies and procedures. The OIG uses the “processing of the claim, human error, system error, processing error, and following regulations. Sometimes, the benefits entitlement might be correct for the moment, but sometimes there are errors that are made that could have potential impact on benefits down the road”. She went on to say that they look at “totality of the claims processing exercise.” Obviously there is a vast disconnect between these two offices.

The American Legion was allowed to review claims in 2012 for accuracy as well. Their team reviewed 260 randomly sampled claims. Their team found 55% of those sampled had errors. On January 31, 2014, the moderator for the VBA Facebook page explained the “accuracy” verification process; “This refers to accuracy, and you'll be happy to know that independent, third party auditors have shown that VA's accuracy is now 90 percent, and up to 96.X percent last quarter.” Apparently, the VBA has hired a third party contractor, supplied them with the criteria they themselves established as benchmarks and now are utilizing this as their gauge for “accuracy”. Nothing could better describe corruption and self-serving for the sole purpose of hiding the truth of poor performance.

**It is recommended that the following section be added to Senate Bill 1950 for consideration;**

The Secretary will instruct the BVA and Regional Offices that all continued action by the VARO on a remanded case, other than to immediately conform to the orders of the BVA, will cease. The VARO will not be permitted to perform any other action on the veterans’ case other than what is prescribed by the latest BVA decision. The VARO’s are directed to commence compliance with BVA orders within thirty days of receipt of a remanded case. This section will become effective sixty days after the enactment of this Act.

**Justification:** Currently, all cases at the Board of Veterans Appeals that are found in favor of the veteran are “remanded” to the Regional Office for action. For the last five years, seventy-five percent (75%) of all BVA cases have been found in favor of the veteran. In virtually all cases, the VARO’s are lagging behind in processing these remanded cases by years. In many, the VARO disregards the order of the BVA and violates the

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veterans' right to Due Process by continuing to violate the BVA orders. This forces the veteran to begin the appeal process again, taking the VARO back to the BVA for yet another remanded action.

**It is recommended that the following section be added to Senate Bill 1950 for consideration;**

Upon the enactment of this Act, the Secretary shall immediately require all Regional Offices responsible for handling claims, to review for immediate reconsideration; all claims by veterans who have self-identified as Gulf War (Iraq or Afghanistan) veterans and who have been previously rated for disability compensation for conditions arising from service in Iraq or Afghanistan.

The Secretary shall cause to have all claims as identified herein, be reevaluated to provide full compliance with the Secretary's instruction contained in the "Environmental Training Letter, dated April 26, 2010; Training Letter 10-03". As part of the review, full consideration and compliance will be adhered to with regard to all VA policies and regulations, especially those regulations which govern the VA policies regarding the utilization of third-party or civilian medical records. The review of all claims shall not exceed one-year from the day after the enactment of this Act.

The Secretary shall provide a report to both Committees, within one-hundred eighty days from the completion of the review, identifying the total claims reviewed, the percentage of claims that resulted in changes to the veterans rating, the Regional Office responsible for the original claim adjudication and the Regional Office responsible for the re-adjudication.

Justification: On April 26, 2010, the Secretary of Veterans Affairs, Director of Veterans Benefits Administration, issued the "Environmental Training Letter" – Training Letter 10-03, to all Regional Offices. This letter addressed specific toxic chemicals at specific military deployment locations, at which, many service members were exposed to and have reported illnesses consistent with symptoms of exposure to the listed chemicals. Additionally, Congressional leaders and the VA have already acknowledged these diseases as evidenced by the enactment of the Burn Pit Registry Act, signed into law January 10, 2013 as well as the actual Burn Pit Registry Pilot program, being run by the VA, which is already under way.

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Anecdotal evidence supplied over the last four years lends credence to the veterans claims that the VA has deliberately ignored this instruction as well as a preponderance of evidence supplied by the veterans, to include civilian medical records which are not reflected in the veterans Compensation and Pension disability ratings reports. Additionally, these same veterans have reported that almost unanimously, they have been denied medical care for the actual conditions their civilian providers have discovered. These veterans have also consistently reported that their records reflect "incorrect" diagnoses, such as COPD, Asthma and Reactive Airway Disease instead of the terminal diseases which these veterans have been diagnosed with. These actions are also reflected in the denial of diagnostic testing for veterans when the VA disagreed with their civilian providers diagnoses as well as the lower disability ratings for the "lesser" and "non-terminal" lung conditions. These actions have greatly disadvantaged a specific sector of veterans and should not be allowed to continue or be left uncorrected. Enacting this section now, will prevent veterans from being denied rightfully earned benefits and service for decades as happened with veterans of the Vietnam War.

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