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## DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 3, 19, and 20

RIN 2900-AO81

### Standard Claims and Appeals Forms

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations and the appeals regulations and rules of practice of the Board of Veterans' Appeals (Board). There are two major components of these proposed changes. The first is to require all claims to be filed on standard forms prescribed by the Secretary, regardless of the type of claim or posture in which the claim arises. The second is to provide that VA would accept an expression of dissatisfaction or disagreement with an adjudicative determination by the agency of original jurisdiction (AOJ) as a Notice of Disagreement (NOD) only if it is submitted on a standardized form provided by VA for the purpose of appealing the decision, in cases where such a form is provided. The purpose of these amendments is to improve the quality and timeliness of the processing of veterans' claims for benefits.

VeteranWarriors written response and comments on:

VeteranWarriors agrees that the Department of Veterans Affairs (VA) efforts to streamline and improve decision timeliness would be benefited by the veterans' utilization of a standardized form (or equivalent electronic submission).

Our position is though, that extremely well trained adjudicators, changes in processing methodology, removal of the "hostile" posture of the VA and realigning of current assets will provide far more impact on the timeliness and accuracy of claims than any effort that may impact the veterans rights to earned benefits, such as (potentially) mandating electronic submission of claims and refusing claims because of an incorrect form or format.

We do not agree that any effective changes to policies or regulations that may have an impact on veterans' benefits should only have a 60 day comment window. We are formally disputing the instituting of any regulation changes for a period of three (3) years, until all the causal issues raised by the VA in their proposal can be substantiated. Congress has made multiple requests for significant information and substantiating data to the VA, which in many cases, have gone unanswered for as long as a year. This current effort by the VA to alter any regulation without lengthy discourse and review is unacceptable and is in direct contradiction to the ethos that the VA is supposed to work under.

Facebook: <https://www.facebook.com/VeteranWarriors1?ref=hl>

Website: <http://veteranwarriors.weebly.com/>

Petition: [http://www.change.org/petitions/the-department-of-veterans-affairs-overhaul-the-claims-processing-create-mandatory-claims-deadlines?utm\\_campaign=share\\_button\\_mobile&utm\\_medium=facebook&utm\\_source=share\\_petition](http://www.change.org/petitions/the-department-of-veterans-affairs-overhaul-the-claims-processing-create-mandatory-claims-deadlines?utm_campaign=share_button_mobile&utm_medium=facebook&utm_source=share_petition)

# VETERANWARRIORS "ONE FAMILY, ONE FIGHT"

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From the general character of the VA's proposal, one can only surmise that the VA is attempting to circumvent the public discussion necessary and prudent regarding the eventual effort by the VA to make electronic filing of claims mandatory.

The VA now characterizes a primary culprit of the backlog as the paper claims filed by veterans and/or Veteran Service Officers. However, there is no mention in the VA's proposal the majority of the paper documents the VA receives are from the Department of Defense (DoD). The DoD has already established that it is vigorously attacking the mandate of becoming paperless but has stated that to do so, it will require another four (4) years of work before the effort will be functional.

The VA does not provide any substantiation as to a definition, actual claim numbers or examples of the "informal" claim that it wishes to have the legal authority to reject. Anecdotally, any veteran who is on a telephone call with a VA representative may be able to file a claim with that representative. However, logic demands that the VA representative then inputs the claimed information into the VA system – thereby creating an electronic claim. So the VA's lack of a clear definition of "informal" and its failure to provide a clear causal association with the effects on the backlog, demand further investigation.

There are numerous questions and concerns raised by the VA's proposal. Many of which will take months to investigate, substantiate and formulate responses to. Any such significant alteration of a VA regulation or policy that has such a direct impact on the veteran warrants the granting of a moratorium on these proposed changes, as requested by VeteranWarriors.

"One Family, One Fight"

Very respectfully,

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