

Testimony of
Vietnam Veterans of America



Presented by

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Concerning

**“The 100% Temporary Disability Rating: An
Examination of its Effective Use”**

Before the

Subcommittee on Disabilities and Memorial Affairs
Committee on Veterans’ Affairs
United States House of Representatives

February 5, 2013

Good afternoon, Mr. Chairman, Ranking Member Titus, and distinguished Members of the Subcommittee. Thank you for giving Vietnam Veterans of America (VVA) the opportunity to offer our comments on the issues regarding the 100% temporary disability ratings with this distinguished committee today.

We have reviewed the three reports from the Inspector General of the U.S. Department of Veterans Affairs (VA) that were issued earlier this month, VA OIG 12-02089-60, January 3, 2013, entitled "Inspection of VA Regional Office Anchorage, Alaska"; VA OIG 12-03355-88, January 11, 2013, entitled "Inspection of VA Regional Office Detroit, Michigan"; and VA OIG 09-03359-71, January 24, 2013, entitled "Veterans Benefits Administration-Audit of 100 Percent Disability Evaluations."

We have analyzed all three reports looking for common threads, and much of the problem is simply failure to consistently use the procedures and tools that are in place. It is clear that the same issue we have all been pressing on for some years, lack of management oversight, is the problem that causes the failure to follow correct procedures. Some of this is because there is not proper accountability mechanisms for managers, and part of it is due to insufficient resources overall in Compensation & Pension (C&P).

As to a general statement regarding management, VVA firmly believes the military axiom applies here: that a unit does well that which a commander checks well. The huge delays (up to 900 days in one instance) simply are something that should not ever occur.

The Veterans Benefits Administration (VBA) management can do a better job of teaching staff how to better and more accurately adjudicate claims, as well as how to work better with the veterans' service organizations, as well as state and county representatives so that there are more fully developed claims coming into the system. VVA and others have been suggesting/urging joint training for some time, but it has yet to happen at any level, to our knowledge. The more complete and better organized these claims are when they are received by the Regional Office staff, the more quickly and accurately they can be adjudicated. If both the VBA staff and the VSOs, et.al. are at least working off of the same knowledge base, albeit

a different perspective, then it is much easier to reach an accurate decision quickly, one that is to the satisfaction of all in more than nine out of ten cases. Common/joint training was a recommendation from this committee almost ten years ago, but nothing has ever come of it.

A word about overall resources at VBA would be in order here. While the budget and the number of personnel at the Veterans Health Administration (VHA) increased dramatically to handle a mounting workload, especially in the period from 2006 to 2010, the VBA gains in resources and staff during that same period did not keep pace with the increase in the overall increase in both the number of claims filed with C&P, and at the same time a sharp increase in the complexity of cases filed.

While VBA “Fast Letters” and other directives are by and large well intended, and usually reasonably well thought out, the “word” often does not reach the individual staff member in a Regional Office in such a way as to modify either their understanding of an issue nor their behavior in applying that understanding to individual claims. The technical term, of course, is “bureaucratic slippage.” While that is common in any governmental organization, it is particularly a problem when a large system is “under stress.”

There has been an acknowledged issue of a serious backlog of C&P claims since at least 1998. Two Presidential Administrations in a row have taken office vowing to eliminate this “backlog” thing that has become a dark and foreboding backdrop to all that occurs at VBA. All agree that the real task is to modernize this paper system, and drag it into the 21st century. The “backlog” has now continued under the last five Secretaries and two Acting Secretaries of Veterans Affairs. VBA has been under stress for all of this time, which is well more than a decade.

All of this has taken a real toll on this system and the people in it. Some of the failures to pick up on major errors or ensure that basic tools are consistently utilized to avoid either overpayments or underpayments is simply organizational fatigue. This does not excuse these failures, but it does help us to understand it better.

The real solutions to the problem(s) facing C&P are to be found in the need to automate much of the system. VBA is finally on the right track in seeking to use open architecture computer systems in such a way that much of the direct contact with human beings can be eliminated, thereby avoiding the possibility of a rule not applied or applied incorrectly to one or more elements in a claim by a staff member who “did not get the word” at one or more Regional Office.

Using automation the rules would be consistently applied no matter where one lives in the nation. The only way to do that is to set as many claims as possible up in such a way that the applicant veteran can enter his/her own data and apply via the secure “e-benefits” web portal. It is our understanding that later this year a veteran will be able to add or drop a dependent on line, without the necessity to have a staff person do it for them. (This does not address the stacks of more than 180,000 claims to be “adjusted” that are not counted in the overall number that is currently acknowledged as the backlog. Many of these adjustments are vitally important, as not addressing them in a timely way means that Champ VA is not applied to newborn dependents until quite some time later. Needless to say, the healthcare needs of both the mother and child do wait on VBA to get around to the “adjustments.”)

We understand the concern the committee has with the possibility of overpayments of temporary payments at the 100% level. Let us suggest that this can be addressed by automation in two ways that do not require additional computer capacity beyond what is already planned:

First, we urge that the VBA send a monthly “Statement of Account” to the through the “E-Benefits” portal to all veterans receiving funds from VA for any purpose, informing them of each element of amounts paid, and the purposes for which VA made each of these payments.

Part of the message in that same letter can/should be to automatically inform veterans receiving a temporary disability that it is their responsibility to seek out a medical exam after a certain date, and/or if their condition significantly approves.

Similarly, our leadership in Alaska has informed us that many attending higher education on the 21st century GI Bill get a different amount each month, with no explanation as to what each varying amount is for. The "Statement of Account" via secure electronic communication would remedy this problem.

Let me note that VVA's concern with overpayments is that like others we are concerned that the taxpayer's money is used correctly. Additionally though, overpayments do as much or greater damage than underpayments because when there comes the inevitable move to recoup these funds, veterans' credit often takes a whack from which they may never recover, so it is important that both under and over payments be avoided.

Finally, VVA urges the Committee in the strongest possible terms to do all that is necessary to ensure that the computerization funds for VBA do not get decimated. We are aware that they are unlikely to get any more staff at this juncture (although a strong case can be made for this need), so it is important that the move to computerize as much as possible not be derailed at this critical juncture.

Mr. Chairman and distinguished Members on this panel, VVA thanks you for the opportunity to present our views here today. I will be pleased to answer any questions you or your colleagues may have.

**VIETNAM VETERANS OF AMERICA
Funding Statement
February 5, 2013**

The national organization Vietnam Veterans of America (VVA) is a non-profit veteran's membership organization registered as a 501(c) (19) with the Internal Revenue Service. VVA is also appropriately registered with the Secretary of the Senate and the Clerk of the House of Representatives in compliance with the Lobbying Disclosure Act of 1995.

VVA is not currently in receipt of any federal grant or contract, other than the routine allocation of office space and associated resources in VA Regional Offices for outreach and direct services through its Veterans Benefits Program (Service Representatives). This is also true of the previous two fiscal years.

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RICHARD “Rick” WEIDMAN

Richard F. “Rick” Weidman serves as Executive Director for Policy & Government Affairs on the National Staff of Vietnam Veterans of America. As such, he is the primary spokesperson for VVA in Washington. He served as a 1-A-O Army Medical Corpsman during the Vietnam War, including service with Company C, 23rd Med, AMERICAL Division, located in I Corps of Vietnam in 1969.

Mr. Weidman was part of the staff of VVA from 1979 to 1987, serving variously as Membership Services Director, Agency Liaison, and Director of Government Relations. Rick left VVA staff in 1987 to serve in the Administration of Governor Mario M. Cuomo (NY) as statewide director of veterans’ employment & training (State Veterans Programs Administrator) for the New York State Department of Labor. From 1995 to 1997 he served as Senior Advisor to the Chairman of the Veterans Affairs Committee of the New York State Assembly. He returned to the VVA staff in 1998.

He has served as Consultant on Legislative Affairs to the National Coalition for Homeless Veterans (NCHV), and served at various times on the VA Readjustment Advisory Committee, the Secretary of Labor’s Advisory Committee on Veterans Employment & Training, the President’s Committee on Employment of Persons with Disabilities - Subcommittee on Disabled Veterans, Advisory Committee on veterans’ entrepreneurship at the Small Business Administration, and numerous other advocacy posts in veteran affairs. He was recently elected to another term as Chairman of the Veterans Entrepreneurship Task Force (VET-Force), which is the consortium of some major veterans groups and military groups as well as veteran and service disabled veteran small business owners that is dedicated to expanding opportunities for veterans, particularly disabled veterans, to own and successfully operate their own small business, to include seeking to secure better Federal procurement policies and practices.

Mr. Weidman was an instructor and administrator at Johnson State College (Vermont) in the 1970s, where he was also active in community and veterans affairs. He attended Colgate University (B.A., 1967), and did graduate study at the University of Vermont.

He is married and has four children.