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February 20, 2013

The Honorable Eric K. Shinseki
Secretary of Veterans Affairs
810 Vermont Avenue, Northwest
Washington, DC 20420

Dear Secretary Shinseki:

I write to express my concern regarding the lack of improvements in the benefit delivery system for our nation's veterans. In the four years you have served as Secretary of the Department of Veterans Affairs (VA), the benefit delivery system has not shown any noticeable improvement and America's veterans have yet to receive the VA service they deserve. Despite your transformation efforts, the compensation claims backlog remains alarmingly high and our veterans continue to have their benefit access stifled by a broken system.

In 2012, the Cleveland Veterans Affairs Regional Office (VARO) was among the first of 16 nationwide VAROs selected to begin a transformation process with the objective of reducing the VA compensation claims backlog by 2015. The July 9, 2012 "Transformation Kick-Off Event" initiated the Cleveland VARO's transformation process. Many members of the Ohio congressional delegation and VARO staff attended, and while this event generated excitement as to what the transformation changes might bring, the effort has yielded lackluster results.

An examination of VA compensation claims status statistics from the past four years shows an underwhelming performance by the Veterans Benefits Administration (VBA) both before transformation efforts and after the initial stages of implementation. Despite a multitude of transformation initiatives, the VBA has failed to decrease the amount of time it takes to process and adjudicate claims. As of February 15, 2013, the VBA is reporting on the Aspire Dashboard that, on average, the Cleveland VARO's "Rating Claims Processing Time (FYTD)" is 334.2 days.[1] This is above the current national average of 272.5 days,[2] and well above your stated goal of 125 days. In fact, since January 2012, the current national average has steadily increased by 17.7 percent, up from 231.5 days.[3] Meanwhile, in the past year, the average time to process a

[1] U.S. Department of Veterans Affairs, "Aspire Benefits Dashboard," accessed February 15, 2013, http://www.app.hospitalcompare.va.gov/index.cfm
[2] U.S. Department of Veterans Affairs, "Aspire Benefits Dashboard," accessed February 15, 2013, http://www.app.hospitalcompare.va.gov/index.cfm
[3] U.S. Department of Veterans Affairs, "Aspire Benefits Dashboard," accessed February 15, 2013, http://www.app.hospitalcompare.va.gov/index.cfm

claim at the Cleveland VARO has increased by 34 percent, up from 249.5 days. Furthermore, since the transformation process officially began at the Cleveland VARO, the average time to process a claim has increased by 20 percent from 278.5 days to the current 334.2 days.

Data from the January 24, 2009 Monday Morning Report showed the total number of pending compensation claims nationwide at roughly 390,000, 10,500[4] of which were pending at the Cleveland VARO, and 26.4 percent of which were older than 180 days. According to the February 11, 2013 Monday Morning Report, the total number of pending compensation claims has grown to 821,143, 71.5 percent of which are older than your goal of 125 days.[5]

As recently as January 25, 2013, the VA promoted the fact that it has completed more than one million claims per year for the last three years.[6] At the same time, as of December 2012, the VA also acknowledged that its accuracy rate for processing claims is only 86.3 percent,[7] far below your stated goal of 98 percent. This data indicates that the VA has potentially made more than 400,000 errors in rating claims over the past three years alone. These inaccurate claims must then be submitted for additional review so veterans can have their benefits awarded appropriately through the filing of a Notice of Disagreement (NOD). Even though the VA is addressing the current backlog of initial claims, it seems as though the VA is disregarding the status of appeals. According to the February 11, 2013 Monday Morning Report, there are 251,443 pending appeals, an astonishing number, and most likely due to the 13.7 percent inaccuracy rate.

Since 2009, the VA has received a year over year increase in funding. In 2010, Deputy Secretary of the VA W. Scott Gould stated that current budgets provide the VA with the resources to increase veteran access to benefits and services, reduce the backlog, and end veteran homelessness within five years.[8] At the same time, he stated, "A central goal for VA is to reduce the time it takes for a Veteran to have a claim fairly adjudicated. Regardless of how we parse the numbers, there is a backlog; it is too big, and Veterans are waiting too long for decisions."[9] I could not agree more with Deputy Secretary Gould's statement.

It is realized and appreciated that the addition of three presumptive conditions to the herbicide exposure list has increased VBA work requirements. However, even using the transformation model that has been outlined for several years, it is difficult to understand why there is still a nagging backlog of claims. You have stated that an allocation of "31 percent of senior claims adjudicators" was made in 2011 to address the influx of new claims associated with the addition

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[4] U.S. Department of Veterans Affairs, "Monday Morning Workload Reports," accessed February 15, 2013, http://www.vba.va.gov/REPORTS/mmwr/2009/012609.xls

[5] U.S. Department of Veterans Affairs, "Monday Morning Workload Reports," accessed February 15, 2013, http://www.vba.va.gov/REPORTS/mmwr/2013/021113.xls

[6] Department of Veterans Affairs (VA) Strategic Plan to Eliminate the Compensation Claims Backlog, January 25, 2013, Page 3

[7] U.S. Department of Veterans Affairs, "Aspire Benefits Dashboard," accessed February 15, 2013 http://www.app.hospitalcompare.va.gov/index.cfm

[8] U.S. Department of Veterans Affairs, "Remarks by Deputy Secretary W. Scott Gould: Professional Services Council Breakfast," accessed February 15, 2013, http://www.va.gov/opa/speeches/2010/10_0415_gould.asp

[9] U.S. Department of Veterans Affairs, "Remarks by Deputy Secretary W. Scott Gould: Professional Services Council Breakfast," accessed February 15, 2013, http://www.va.gov/opa/speeches/2010/10_0415_gould.asp

of three new presumptive conditions.[10] You have estimated that the number of claims generated from these new conditions is approximately 260,000.[11] According to Deputy Secretary Gould, the VA spent more than $300 million over the past several years to hire and train VA employees. However, the results show that the VA is still falling short of its goals and the nation's expectations.

Deputy Secretary Gould stated in 2010 that the VA invested $138 million in a paperless system that would be deployed in 2012.[12] As of current knowledge, that system has yet to be fully implemented. What is understood is that the VARO has begun using the Disability Benefit Questionnaires (DBQ), Quality Review Teams, and simplified notification letters, and is in the initial phase of implementing the Veterans Benefits Management System (VBMS), cross-functional teams, "Unified Desktop" technology, segmented lanes, and Challenge Training. This is just a short list of the 40 initiatives and changes that will be coming to the entire VA to complete the transformation process.

The data clearly indicates that your stated goal of processing a claim in 125 days is not being met and it appears that this goal is more unattainable today than it was four years ago. VA stakeholders are asking extremely important questions and as someone who represents them, I believe they deserve nothing less than honest and direct answers.

- On January 14, 2013, the VA announced a nationwide transition to paperless processing of disability claims. Has the VBA started to convert old paper files to digital files? If, so, what is the end date of conversion? Does the VA plan to continue using the paper files until those present paper claims are completed?

- What are all 40 of the initiatives that are being discussed and when do you expect to have them fully implemented both at the Cleveland VARO and nationwide?

- The data indicates that the VA has potentially made more than 400,000 errors in rating claims over the past three years. What is being done to reduce the time veterans are waiting to have their claims reviewed and re-adjudicated?

- Long-term goals are usually preceded by several short-term goals and performance markers. What are the short-term goals of the transformation process, the performance markers, and the status of them? Do you feel that these markers have you on track to achieve your stated goals of processing claims in under 125 days and eliminating the claims backlog by 2015?

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[10] Letter dated December 28, 2012 to Senator Rob Portman
[11] Letter dated December 28, 2012 to Senator Rob Portman
[12] U.S. Department of Veterans Affairs, "Remarks by Deputy Secretary W. Scott Gould: Office of Public and Intergovernmental Affairs National Training Conference," accessed February 15, 2013, http://www.va.gov/opa/speeches/2010/08_11_2010.asp

- All of the results from the implementation of the new processing model at the Cleveland VARO are not externally visible through public data. What are the Cleveland VARO's results to date?

Mr. Secretary, the men and women who have proudly served our great nation deserve a better benefit delivery system. When you were appointed as the Secretary of the VA, you said "At the end of each day, our true measure of success will be the timeliness, the quality, and the consistency of the services and support we provide. We will be measured by our accomplishments, not our promises. Veterans, Congress, and the American people expect that, and I do, as well."[13] America's veterans are counting on you. I appreciate your consideration of the information outlined in this letter and I respectfully request a response to my questions within 30 days. Thank you for your continued service and your prompt attention to this very important matter.

Sincerely,

John A. Boehner

CC: Joyce Cange, Director, Cleveland VA Regional Office
Curt McPherson, Executive Director, Butler County Veterans Service Commission
Cathy Ater, Executive Director, Clark County Veterans Service Commission
Debrah Kaiser, Executive Director, Darke County Veterans Service Commission
Tom Risch, CVSO, Mercer County Veterans Service Commission
Jeff Stapleton, Executive Director, Miami County Veterans Service Commission
Terry Pendergraft, Executive Director, Preble County Veterans Service Commission

[13] U.S. Department of Veterans Affairs, "Remarks by Secretary Eric K. Shinseki: Disabled American Veterans Mid-Winter Conference," accessed February 15, 2013, http://www.va.gov/opa/speeches/2009/09_0222.asp