

Exploring National Work Queue's Impact on Claims Processing

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Statement of

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Representatives

With Respect to

“Exploring National Work Queue’s Impact on Claims Processing”

WASHINGTON, DC

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

On behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliary, thank you for the opportunity to offer our perspective on how the Department of Veterans Affairs' (VA) deployment of the National Work Queue (NWQ) has affected the disability claims process.

First, VA should be applauded for implementing a national workload management solution to ensure that work can be performed at a consistent level of quality to deliver timely and accurate benefits to our nation's veterans. In the cloud-based Veterans Benefits Management System (VBMS), the VFW believes that efficiently brokering work to the station best equipped to handle the task is a responsible and innovative method to improve the overall disability claims process. The VFW knows it has been a persistent challenge for VA to ensure consistency and timeliness in its rating decisions for veterans across all of its

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offices. By implementing the NWQ, VA now has the ability to track the consistency of its work and ensure that VA employees complete tasks to standard.

Make no mistake, the NWQ certainly speeds up the VA claims process, which is generally positive for veterans. If business processes can be completed efficiently by VA regional offices that have the capacity, this makes sense to VA and ultimately delivers timely benefits to veterans. Unfortunately, in deploying NWQ, VA seems to have focused solely on speed and consistency, but neglected the customer-facing side of accuracy.

The VFW believes that VA has an obligation to ensure consistency across this rule-based system to foster the best possible outcomes for veterans. However, VA must remember that its partner Veterans Service Organizations (VSOs), like the VFW, play a critical role in this cumbersome process as advocates whose inherent function is providing quality customer service to the veterans and eligible dependents who seek our assistance. Simply put, we meet face-to-face with veterans who need help navigating the VA benefits system. As VA-accredited representatives, we train our advocates to not only understand health care records and the VA benefits system, but also how to serve as empathic stewards of highly sensitive information. When we take power of attorney for a veteran client, the veteran is placing his or her trust in the VFW to serve as a quality advocate in not just filing for VA benefits, but also ensuring any awarded benefits are accurate.

The VFW cannot overstress the customer-facing aspect of our job. The primary reason our network of service officers exists is so that our veterans do not need to worry about deciphering health care terminology or memorizing the VA rating schedule in 38 CFR just to file a claim for earned veterans' benefits.

The VFW provides up to 80 hours of training every year to our accredited representatives to ensure they remain proficient in understanding the VA benefits system. Our representatives then have the responsibility to meet with veterans in person to help develop evidence in support of their VA claim, as well as ensure paperwork is filled out properly and submitted in a timely manner. What this means is that our representatives are proficient in understanding military and civilian health care recordkeeping, and must develop a keen eye in identifying claimed conditions and evaluating these conditions against the prescribed VA regulations for compensation. Moreover, our representatives must develop a rapport with their clients to help identify any lay evidence that would support their claim, such as statements from family members or fellow veterans that can contextualize symptoms or validate in-service incidents.

VA claims are highly complex and small variables can make a difference in the accuracy of a veteran's rating decision. One of the VFW's contract trainers, Frank Bongiovanni, puts it best when explaining our objective as accredited veterans' advocates: "[VA claims advocacy] is the confluence of health care and law. If you wanted simple, you're in the wrong line of

work.”

VA has long recognized that VSOs are constructive partners in the benefits claims process, which is why VA has long afforded accredited VSOs in VA regional offices the opportunity to review proposed rating decisions for accuracy. This 48-hour review period outlined in VA’s Manual 21-1 provides our accredited representatives with one last opportunity to perform a quality check on rating decisions. Our objective is to ensure that errors are caught and addressed before the rating decision ever reaches the veteran.

Based on the VFW’s most recent analysis, we find errors in about one out of every 10 claims, and we usually can work with VA to fix them prior to promulgation. This is not only a positive for the veterans we serve, but this is also a benefit to VA. On a grand scale, if VSOs can perform quality reviews on all ratings prior to promulgation, and explain the context of rating decisions to our veterans, we will cut down on appeals and build confidence in the VA system. On a local scale, VSO representatives will learn how to become stronger advocates; VA staff will learn how to be more meticulous raters; and veterans will receive consistent, accurate, and timely benefit decisions.

Unfortunately, as the NWQ moves work quickly across VA, the final step in the process has the potential to throw the whole system off, sully the veteran’s experience. Under the current system, when VA proposes a rating decision, raters will post the decision for the 48-hour VSO review in VBMS. By default, this rating will populate in the “All Claims Queue” for the VSO located at the office where the claim was rated. However, the VSO located where the claim was taken will not be notified in any way that a decision has been proposed. These VSOs can search for their individual veterans by name or utilize a very limited zip code filter to try and track their local clients, but they immediately lose optics on the claim. This practice of posting ratings in offices other than the original office becomes problematic because it does not take into account current technological limitations of VBMS to search for and find unique groups of veterans; it does not account for current M21-1 guidance that allows for immediate promulgation for certain brokered claims; and it discounts the role of VSOs in providing quality customer service to veterans we serve face-to-face.

Moreover, VA currently does not offer an opportunity for VSOs to flag potential errors in decisions in VBMS, relying solely on local employees complying with VA guidance to address errors. This means that VA cannot track this as a quality metric on the back end or hold employees accountable for complying with guidance on responding to potential errors. The VFW’s objective in this testimony is to demonstrate why VA must consider VSO priorities to be shared priorities, and how each of our concerns is intertwined with how VA improves its workflow through NWQ to provide the best possible customer experience for veterans.

With regard to technology, the default view for our service officers in VBMS is the “All

Claims Queue” and this reflects active workload for which the VFW has power of attorney in the office where the claim is rated (Station of Jurisdiction, or SOJ). This workload changes day to day, which makes it nearly impossible to track the clients our advocates have met with in person. As this work moves around, our service officers are instructed to review any claim that populates in their station’s work queue in VBMS. Our service officers have worked in good faith to do this, but many are concerned that the needs of their local clients should come first.

For those seeking to balance the local and national objectives in providing quality customer service, VA has presented several work-arounds to help track locally-generated work. However, this presents a dilemma. Do our service officers support the individual veterans that they met with face-to-face? As local, public-facing advocates, we believe this obligation is paramount. These are the veterans who call, email, and personally visit the office, looking for peace of mind and guidance throughout the VA claims process.

However, our service officers are part of a larger VA business process that requires adherence to certain policies and procedures to function efficiently and deliver consistent quality decisions to all veterans. As good faith partners located in VA facilities, do the interests of the broader VA mission come first?

Finally, in the case of the VFW, many state governments and VFW local organizations have made significant financial investments in service officer programs to ensure the needs of local veterans can be met. As responsible stewards of these financial resources, is it irresponsible to deviate from this objective? Moreover, many VSOs like the VFW have aligned resources at VA regional offices to sufficiently serve the local veterans’ population or to support the VA special missions assigned to specific offices. This presents logistical challenges in handling the influx of rating decisions generated through NWQ and creates confusion over responsibility and optics on special missions.

An example of this local mismatch comes from the VFW office in North Dakota. The VFW’s service office is staffed by two personnel to reflect the size of the veterans’ community in their region. However, when NWQ rolled out, this service office was inundated with brokered rating decisions. Our service officer in North Dakota now reports that his rating review workload largely consists of brokered claims for veterans he has never met. Meanwhile, he has lost optics on the local veterans who turned to his office for help, as the North Dakota workload moves from station to station. He warned our office that the veteran has “lost local advocacy” because of NWQ.

An example of the special mission confusion comes from the VFW’s Benefits Delivery at Discharge (BDD) program, which is responsible for helping transitioning service members file VA benefit claims on 20 military installations. When VFW built its BDD program, we aligned our resources with the VA regional offices responsible for developing and

promulgating decisions for BDD and Quick Start (QS) claims --Winston/Salem, North Carolina, and Salt Lake City, Utah. When NWQ was being built, VSOs were assured that special work like BDD would be worked only at the stations dedicated to those special missions. Unfortunately, this was not the case in implementation. Our staff located at these special offices started to notice discrepancies in their claims queues, noticing that work was disappearing while it should have still been available to review. They started to meticulously track these claims and not only found brokered BDD work in 10 other VA regional offices, but also found more than 40 BDD and QS claims assigned to the NWQ cloud (SOJ 499), some of which were still on the 48-hour clock, and others which had expired.

The VFW reported this discovery to VA. VA staff at first seemed surprised to learn about this, but then seemed nonchalant that this was going to be the way forward for not only BDD and QS claims, but potentially for other special work like pension claims. The VFW implores VA to reconsider this decision and ensure that they consider the alignment of VSO resources and the needs of the veterans we serve.

Our service officers in the field consistently demonstrate that they must build trust and credibility with not only their clients, but also their local VA colleagues to properly advocate for their clients. When these service officers do not have the opportunity to review the work for their clients, everybody suffers. At first, it may look good that VA was able to send the rating to the veteran more quickly, but this is no good if the decision is inaccurate and if our advocates have no way to explain the rating decisions to our veterans.

Over the past two years, the VFW and our partners have tried to articulate this dilemma in many different ways to encourage VA to provide our representatives with the tools they need to monitor the work for veterans they serve face-to-face. To this point, the work-arounds we have been offered have not achieved the desired outcome. The first such work-around was the ability for our representatives to sort lists of clients by zip code. However, this proved impractical as some regional offices serve hundreds of zip codes. Moreover, the zip code sort filter in VBMS is restricted to a certain number of fields, meaning offices responsible for larger catchment areas, such as our operation in the St. Petersburg VA Regional Office, could never possibly sort their clients via zip code.

Next, VA is proposing to build a new field in VBMS through which VSOs could sort by the station where each claim originated (Station of Origination, or SOO). This is a significantly improved work-around, but again, it is only a work-around. The VFW acknowledges that our representatives would be able to sort by the work that originated in their station. However, this does not resolve the business process dispute that often results in claims moving directly to promulgation in lieu of offering 48-hour VSO review, as outlined in M21-1.

According to the current M21-1, VA raters are instructed to follow very specific steps to post

rating decisions for VSO review. However, this becomes problematic for brokered worksites, like NWQ worksites, which are allowed to directly promulgate a decision without offering review, if no authorized VSO is available at the redistributed worksite. After promulgation, the redistributed worksite is directed to return the rating to the SOO. In a scenario where a brokered site prepares a rating decision but no VSO representative is present, the decision can be promulgated immediately regardless of whether or not another VSO representative was tracking the claim in VBMS via one of the proposed work-arounds.

The VFW recently experienced this with a client we are serving out of the VFW Washington Office. The veteran was working directly with one of our experienced service officers who serves in a management role with the organization. This service officer checked VBMS regularly for this specific client to ensure that our office would review the rating decision for accuracy. However, the claim was assigned to a VA Regional Office that recently experienced turnover in the VFW office. While the VFW office was vacant, the regional office sent decisions directly to promulgation in accordance with M21-1. Unfortunately, when our staff member was reviewing the already finalized rating decision, he noticed that the regional office failed to address one of the veteran's claimed conditions. What ensued was an additional eight month hassle for the veteran during which VFW's repeated messages to the regional office responsible for the claim went unanswered. We finally started to resolve the issue during a coincidental site visit to this regional office by VFW national staff to provide onsite training to the new VFW service officer.

The VFW would have caught this error immediately if we had an opportunity to review this rating decision, and our client likely could have avoided the additional headaches that came after the decision. This is the worst possible situation for all involved. It not only creates unnecessary stress for the veteran, but it also strains the VFW's credibility as advocates and strains VA's credibility as a benefits provider.

Given the current rules outlined in the manual and the practical examples the VFW has seen, we believe VA would be best served to return claims brokered through NWQ to the SOO for the 48-hour VSO review period. To VA's credit, they seem to be coming around on what groups like the VFW have been requesting. In a recent meeting with VA, NWQ staff informed the VSOs that they are looking to leverage the data from NWQ to monitor employee compliance with the 48-hour review period. This is a positive step. If employees are cutting corners by promulgating decisions before a proper review, they must be held accountable. However, the VFW also asks that VA address the problem up front by returning the claim to the SOO, and also allowing VSOs to flag rating decisions in VBMS when we believe we have found an error.

Another challenge for NWQ is the process to address errors that VSOs identify in rating decisions. At the moment, when a VSO identifies a potential error, we are instructed to contact the Change Management Agent (CMA) for the regional office responsible for the

rating decision via email. VA has issued guidance that CMAs should respond to these inquiries within 24 hours. However, in the field, this process breaks down. The VFW consistently hears from our representatives that they do not receive responses in a timely manner, meaning that we must either mark the claim as “Reviewed” or allow the review period to expire. This means that our potential objection to a rating decision is never documented in VBMS. The VFW instructs our service officers to log these objections in our internal claims management database, but this is completely divorced from VA’s recordkeeping systems. This means that on the VA side, they will see either expired ratings or discover erroneous “Reviewed” ratings of poor quality. This has the potential to erode VA’s confidence in our advocates, straining local relationships and ultimately damaging credibility with the veterans we serve. Moreover, this potentially obfuscates errors within the VA system, creating the illusion that claims move through the system error-free.

To remedy this situation and help VA better analyze the quality and consistency of its work, the VFW requests that VA allow VSOs to mark ratings as “Queried” in VBMS. This will again provide a significant benefit to VA in improving the quality of the product it delivers to veterans. Not only will this help to automate the rating review process, it will allow VA to hold its employees accountable for addressing potential errors in the digital workspace.

Again, as VA’s partners, the VFW believes NWQ can be a very good system to help veterans receive consistent, accurate, and timely benefits. We understand and support VA’s initiative in resourcing work based on capacity in a digital environment. However, the veterans we serve expect us to provide the best possible customer service, and we would be remiss if we were not candid with VA about the deficiencies we see in its work products. As we have seen before, some in VA still conflate internal efficiencies with quality outcomes for veterans. Our shared interest in this process is to ensure the best possible outcome for the veteran, and we hope that VA will recognize that our recommendations are ultimately to improve the quality of our shared work product.

We look forward to working with VA to further improve this system and continue serving as quality advocates for the veterans we serve. Chairman Bost, Ranking Member Brownley, this concludes my testimony and I am happy to answer any questions you may have.

Information Required by Rule XI2(g)(4) of the House of Representatives

Pursuant to Rule XI2(g)(4) of the House of Representatives, the VFW has not received any federal grants in Fiscal Year 2016, nor has it received any federal grants in the two previous

Fiscal Years.

The VFW has not received payments or contracts from any foreign governments in the current year or preceding two calendar years.