CONGRESSIONAL TESTIMONY

STATEMENT FOR THE RECORD

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

PROVIDED TO THE

HOUSE COMMITTEE ON VETERANS' AFFAIRS

SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

HEARING ON UPDATE ON VA CONTRACTED EXAMS, QUALITY REVIEW PROCESS, AND SERVICE TO RURAL VETERANS

OCTOBER 30, 2019

Chairwoman Luria, Ranking Member Bost, and Members of the Subcommittee:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents more than 700,000 federal and District of Columbia government employees, 260,000 of whom are dedicated VA employees, we appreciate the opportunity to provide our views on today's hearing titled, "Preparing for Blue Water Claims - VA Status Update On Implementation."

AFGE membership includes the Veterans Benefits Administration (VBA) claims processors who will be the workers responsible for processing Blue Water Navy (BWN) claims once the VA allows BWN claims to proceed. Because of the expertise these employees have in processing veterans' claims of all levels of nuance and complexity, AFGE makes the following recommendations to the Subcommittee on how VBA can change its internal policies to improve all compensation claims processing, each of which will especially affect the imminent BWN claims: 1) Reinstate a specialized lane for highly complex claims, and 2) Stop the reductions in eligibility for "excluded time" raised in VBA's "#BestYearEver Availability Improvement Project" memo. Both of these changes will better allow claims processors to perform their duties and serve veterans.

Reinstituting a Specialized Lane for Complex Claims Including "Blue Water Navy" Claims

Like all VA compensation claims, BWN claims go through a process where they are evaluated by both Veteran Service Representatives (VSRs) and Rating Veteran Service Representatives (RVSRs) to ensure that veterans get the benefits they have earned. While all claims go through a similar process, different types of claims require different amounts of attention and time based on their complexity. Relative to other claims, BWN claims are highly labor intensive and require specialized attention.

BWN claims take significantly more time to process than most claims because of the significant amount of time that has elapsed since the Vietnam and Korean Wars and the specificity of evidence required to corroborate an entitlement to benefits, including the exact time and geographic coordinates of when and where a particular service member was on duty. However, as a result of the way VBA currently assigns cases, VBA does not consider the complexity and meticulous nature of claims handled by VSRs and RVSRs. As a result, VSRs and RVSRs have been unfairly penalized for handling complex claims. While VSRs and RVSRs are qualified and capable of processing these claims, the system of evaluating these employees should take into account the complexity of BWN claims and the time and attention needed to accurately process and evaluate them for the benefit of both employees and the veterans they serve.

AFGE urges the Subcommittee and VBA to consider re-instituting specialized lanes that have existed in the past for BWN claims and appropriately adjust the production standards for the employees working in those lanes.[1] This change will allow the VSRs and RVSRs chosen in each of the eight Regional Offices where BWN cases will be processed to gain familiarity with the nuances of this large subset of impending claims and enable them to efficiently provide these veterans with the benefits they have earned while meeting fair production standards.

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[1] Prior to the implementation of the NWQ, VSRs an RVSRs were in designated lanes that handled similar types of cases repeatedly, giving those employees the opportunity to develop an expertise in certain types of claims. This made them more accurate and efficient in their performance, which both benefited them in their own performance evaluations and allowed them to better serve veterans, particularly those with rarer or more complex claims. Presently, VSRs and RVSRs do not work in lanes, and are expected to process all cases without developing any beneficial specialization. The Office of the Inspector General (OIG) released a report in 2018 (VA OIG 17-05248-241 | August 21, 2018) supporting the use of specialized lanes for certain complex claims.

Preventing Problems in the "#BestYearEver Availability Improvement Project" and Preserving Excluded Time

In a memo issued on October 11, 2019 by the VBA Office of Field Operations (OFO) – Operations Analysis, the OFO said "To improve production and achieve the #BestYearEver, while also onboarding new staff and countering the known impacts of presumptive claims from [BWN] veterans, VBA is implementing new strategies to manage available time."[2] The plan does this by attempting to limit "excluded time," which is the time that can be deducted from an employee's expected production quota under certain circumstances (ex: if an employee uses eight hours of leave, the employee's expected production is reduced by eight hours).

The first section of this memo describes OFO's limitations on "Special Projects," and the OFO announcing that it will severely limit what percentage of time a VSR or RVSR can spend on "Special Projects" that in the past would have earned excluded time. Specifically, the memo limits the individuals who can grant excluded time for a special project to the Veterans Service Center Manager/Pension Management Center Manager or designee. Additionally, the memo states that an employee may not spend more than 1.5 percent of their time annually on special projects, which can increase to 2.0 percent when approved by the District Director.

Eliminating the use of "Special Projects" could negatively affect the ability of claims processors to perform their duties within the prescribed performance standards. Currently, managers assign "Special Projects" to grant excluded time to a VSR or RVSR working on a claim that would otherwise prevent them from meeting their quota. Examples of claims meriting a "Special Project" assignment could include a particularly difficult and time-consuming claim, a claim that had to be remanded and thus reduced or denied the employee production credit, or a

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[2] "#BestYearEver availability Improvement Project." VA Office of Field Operations Memo - Operations Analysis. October 11, 2019.

claim that categorically does not generate credit for the employee. Some BWN claims, which are highly complex and likely require more time to complete than other claims, could easily be classified as a "Special Project" and are worthy of excluded time. AFGE strongly urges the VBA to rescind this proposal to limit the use of "Special Projects," particularly for BWN claims.

The OFO memo also limits the amount of excluded time that VSRs and RVSRs can use for training. This proposal reduces the total number of hours for training that can be used for excluded time from 80 hours annually to 40 hours annually, a 50 percent decrease with certain exceptions to grant more hours in certain situations. The memo then specifically uses BWN claims as an example of a need for extra training, but only authorizes an additional two hours of training for VSRs and RVSRs when processing BWN claims. With an exorbitant number of complex BWN claims expected, budgeting only two hours of training for this type of claim while reducing the overall amount of training will make it extremely difficult for the VSRs and RVSRs to learn the new processes associated with these new claims. AFGE urges the OFO and VBA to rescind this planned change and allow VSRs and RVSRs to continue to gain the necessary training and expertise required to effectively serve veterans.

Conclusion

AFGE thanks the House Committee on Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs for considering the potential problems arising from the processing of BWN claims. We look forward to working with the Committee and Subcommittee to address these problems facing VSRs and RVSRs, and ensuring that veterans receive the benefits they have earned in an accurate and efficient manner.

Thank you for the opportunity to provide input on this important issue.