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Regaining Veterans' Trust



ARTHUR H. WILSON

from the NATIONAL ADJUTANT

I can't tell you how many times I've heard veterans complain that the Department of Veterans Affairs lost documents they submitted to support their benefits claims.

When the VA Inspector General's Office discovered hundreds of important documents in shredding bins at many of its 57 regional offices, the DAV was understandably outraged. We immediately called for the VA to take urgent corrective actions to ensure the integrity of claims submitted by veterans or their dependents.

To its credit, the Veterans Benefits Administration acted swiftly to halt shredding at its regional offices and recovered documents that were key to veterans' claims decisions. And in a matter of days, the VBA developed an action plan to address this very serious problem. That includes additional training for claims workers and increased oversight. Disciplinary action also was taken against employees involved in the apparent deliberate destruction of documents.

The VA's Compensation and Pension Service also established temporary procedures for handling assertions that a claim or evidence was previously submitted to the VA and not properly retained and considered. (See details on page 11.) Those procedures, which grant claimants the benefit of the doubt as to whether they had a document or evidence lost or improperly handled, are limited to documents submitted between April 14, 2007, and Oct. 14, 2008. Those temporary procedures expire in November 2009.

Those new policies and procedures for proper handling and disposal of documents are commendable, but repairing the VA's severely damaged credibility will require much more.

The DAV has long advocated improvement in the accuracy and timeliness of the benefits delivery system. Adequate staffing levels, along with proper training and greater accountability for claims workers, are essential.

The VA also needs to harness technology such as electronic record-keeping to keep track of all that paperwork. When the VA processes more than 100 million pages each year, important documents are bound to get misplaced or lost. That can delay benefits decisions by months or result in improper denial of claims.

The DAV keeps track of submittals from our clients with a state-of-the-art case management system. Not only does this enable our National Service Officers to work more efficiently, this permanent record can be used to confirm that one of our clients has indeed submitted a document in support of a claim.

By being open and above board about the mishandling of documents and establishing special procedures in response to the records incident, the VA has demonstrated its willingness and commitment to solving identified problems. Preventing future problems with document handling, it is hoped, has been accomplished as well.

What happened was a serious breach of trust. But more important, and arguably more difficult, is that the VBA culture that forces adjudicators to push claims off their desks instead of deciding them correctly must be changed. Until that happens, many veterans will continue to view the benefits delivery system with a degree of suspicion and outright skepticism.

The DAV will monitor implementation of these policies and procedures and accountability measures at each regional office to help ensure equitable treatment of veterans and their dependents. Diligent oversight by the Under Secretary for Benefits is essential to the integrity of the claims adjudication system as well.



Mishandled Documents at VA Lead to Temporary Claims Procedures

By Thom Wilborn

The Department of Veterans Affairs has ordered temporary procedures for processing benefits claims from veterans and dependents whose applications may have been mishandled by VA personnel. The special procedures, which relax some administrative submission requirements, were ordered after VA investigators found hundreds of claims-related documents awaiting destruction at many of the agency's regional offices. Some of those documents, if disposed of, could have affected the benefits awarded to veterans and survivors, VA officials said.

These special procedures cover missing claims or evidence submitted between April 14, 2007, and Oct. 14, 2008, when officials halted document destruction. The VA will process any missing applications or evidence submitted under these special procedures as though the documents had been originally submitted on the date identified by the claimant.

The documents waiting to be shredded were discovered during a VA Office of Inspector General's (OIG) audit to determine if the regional offices were effectively processing claims-related mail.

"Compounding the problem is that the VA doesn't know what documents had been destroyed before the shredding was uncovered," said National

Service Director Randy Reese. "The VA has no idea what might have been destroyed before the OIG discovered the problem and the effect on a veteran's claim."

Under the temporary procedures, veterans will be asked to resubmit the lost documents to VA within 30 days, but they will have one year to assert their request for consideration under the temporary special claims handling procedures. The VA will recognize a veteran's or representative's assertion that a claim or supporting evidence had been previously submitted to VA during the 18-month window. The effective date will be as though the claim was received on the date asserted by the claimant.

Dates of submission before April 14, 2007, will be established based upon receipt of credible evidence supporting the date of submission. The burden of proof, however, will be greater for the veteran, and additional evidence will be required to support a claim that documents had been submitted. The evidence required would include a transmittal sheet, date-stamped documents from a claims representative, delivery confirmation and other documents.

The date of claim will be the first of the month if a veteran cannot remember the exact day a claim was submitted during the 18-month grace period. Those submitted during April

2007 would have a date of April 14.

"The grace period extended by the VA will make it easier for veterans who believe that claims or supporting documents may have been destroyed or missing from their files," said Reese. "We appreciate the VA taking swift action to lift the specter of claims wrongfully denied during that time. But the action covers just an 18-month period and gives veterans only one year to notify the VA about possible lost documents."

The audit of regional offices in Detroit, St. Louis, St. Petersburg, Fla., and Waco, Texas, found claims documents affecting veterans had been placed in shred bins. The VA immediately halted all shredding nationwide until a review of regional offices nationwide.

The nationwide OIG audits found hundreds of documents that could affect a veteran's claim improperly placed in shred bins in 41 regional offices. Documents ranged from DD-214 records of military service to private physician's records and claims for books under the G.I. Bill.

National Service Director Reese assures veterans who submitted claims evidence thorough the DAV that records are kept to validate that evidence has been properly submitted. Reese said any documents submitted by veterans to DAV Chapter, Department or Transition Service Offices, are routed through National Service Offices and are re-

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Shredded Documents

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corded in DAV's Case Management System, which serves as credible evidence of submission to the VA.

"We have a Case Management System in place in which all records submitted are entered into a computer system and saved to our secure server," said Reese. "We can pull these submittals up at a moment's notice in order to confirm a veteran had submitted documents through our office. This is evidence that the VA can use to confirm a veteran's assertion that a claims document should be in the system.

"I think the DAV is more successful as a result of the Case Management System," he said, "and our NSOs handle claims on a more personal basis, whereas the VA system is so large that there is a greater possibility that VA will mishandle evidence due to the sheer volume of data that they receive."

VA regional offices receive approximately 25 million claims-related documents in the mail each year. But only about 50 percent of veterans filing VA disability claims each year are represented by a veterans service or-

ganization, which will keep a record of submitted documents.

The VA says that nearly 200 pertinent claims documents were recovered from shredding bins in St. Louis and Columbia, S.C., regional offices. The documents were traced to individuals in each office who have been placed on administrative leave pending investigation. The VA says 474 documents affecting about 465 veterans' claims have been recovered from shredder bins in offices nationwide. No discrepancies were found at some VA regional offices.

The VA stopped all shredding Oct. 14, 2008, and it had not resumed as of Nov. 14.

The VA also instituted new procedures that require employees to add the date and their initials to all claims-related documents to be destroyed. These documents are then forwarded to a supervisor for approval. This two-person review and approval process will be required before any claims documents are shredded.

All documents will be placed in a special receptacle which will be available for spot checks by office supervisors before they are shredded."

A Records Control Officer at every regional office will oversee records management and disposal. The VA

also ordered additional training for regional office staff in the proper handling and disposal of documents.

Reese said the DAV will cooperate fully with the VA during their investigation and DAV records will be made available for the purpose of assisting the VA to reconstitute records.

The DAV believes that this investigation, which Reese says has been the most open in recent memory, will help protect the integrity of claims records and increase the professionalism of VA claims adjudicators.

The OIG is continuing its investigation of cases where inappropriate shredding was traced to specific employees. They face legal and disciplinary action if they are found to have acted improperly.

"The actions taken by the VA at DAV's urging may help restore faith in the claims adjudication process," said Reese. "But it is the responsibility of the VA to be vigilant that this problem is never repeated and that the highest integrity is used in dealing with our veterans' claims.

"Contact the nearest DAV National Service Office for additional information if you have questions or need assistance with a claim," said Reese. ☉

Combat to Congress

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cess and what it has to do with the Marine Corps," Gibson, from Pryor, Okla., said. "Now us staff NCOs can be a part of that process and have a say in it."

Selection for the program seems like a natural step for his career in the Marines, said Gibson. He explained that the majority of his experience in the Marine Corps has been focused on ground combat, but he is ready for a change.

"I think it's the perfect time to go," Gibson said. "This deployment has shown me where my place in the future is. This is going to be an environment I'm not used to, but it'll be an environment where I can help the whole military."

Though his tour in Washington, D.C., will be something he has never done before, his selection to the fellowship shows the Department of Defense has faith that Gibson's extensive experience and professionalism will represent the Marine Corps in a positive light. ☉