

Statement of
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Department of Veterans Affairs
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Subcommittee on Disability Assistance and Memorial Affairs
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Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify today on the role of national, state, and regional or local veterans' service organizations (VSOs) and state and local government veterans agencies in the Department of Veterans Affairs (VA) disability claims process. I am accompanied today by Mr. Steve Simmons, Deputy Director of the Compensation and Pension Service.

Background

VSOs work in partnership with VA to assist veterans, their dependents, and their survivors in obtaining VA benefits to which they are entitled. Congress traditionally chartered private VSOs but the authority to recognize organizations for the purpose of providing representation for VA claimants has been delegated to the Secretary of Veterans Affairs. In addition to the national VSOs that VA recognizes, each state has created veterans agencies of the state enacted by state law and funded by state or local government to serve the needs of veterans

of that state, county or municipality. VA has recognized all but five of these state agencies (Alaska, Indiana, Iowa, Michigan, and Wyoming) for purposes of representing claimants before the Department. Regional or local VSOs also provide veterans and dependents with information and help in obtaining VA benefits. VA currently recognizes 87 VSOs, including 26 national organizations, 50 state organizations, and 11 regional or local organizations.

Accreditation

In order to be recognized by VA as a VSO, an organization must have as a primary purpose service to veterans, demonstrate a substantial service commitment to veterans, commit a significant portion of its assets to veterans' services and have adequate funding to perform these services, and take action to ensure proper handling of claims. In establishing that it meets these requirements, the organization requesting recognition must provide to VA for review a number of documents, including financial statements and training plans.

Recognition by VA allows a VSO to file an application for accreditation with the Office of the General Counsel for each person it desires to have accredited to represent the interests of claimants in the processing of VA benefits claims. The organization must certify that the applicant is of good character and reputation, has demonstrated an ability to represent claimants before VA, and is either a member in good standing or a paid employee of the organization working for it not less than 1,000 hours annually or is accredited and functioning as a representative of another recognized organization. With respect to county veteran's service officers recommended by recognized state organizations, the organization must

certify the good character, reputation, and ability of the county service officer, and additionally certify that the officer is a paid employee of the county working for it not less than 1,000 hours annually. The state organization must also certify that the officer has successfully completed a course of training and an examination approved by a VA Regional Counsel and that the officer will receive either regular supervision and monitoring or annual training to ensure continued qualification as a representative in the VA claims process.

Once a service organization or state representative is accredited, he or she may represent a claimant before VA. The claimant must assign power of attorney to a designated VSO or state agency by completing, signing, and submitting VA Form 21-22. Once this document is made part of the record, the VSO's or state accredited representatives have access to the claimant's files for the purpose of assisting with a VA claim. Currently over 60 percent of the 2.6 million veterans receiving disability compensation have designated VSOs or States veterans agencies to which they have assigned power of attorney.

VSO Participation in Claims Processing

The Veterans Benefits Administration (VBA) provides benefits and services to more than 3 million veterans and survivors who receive service-connected disability compensation, dependency and indemnity compensation, nonservice-connected pension, or survivors' pension. Each year we also assist hundreds of thousands of veterans and survivors who apply for VA benefits in obtaining the information and evidence needed to substantiate their claims. In 2005, VA

produced more than 763,000 disability determinations and handled more than 1.5 million other award actions. Given the sheer volume of the workload, the VSOs and State and local government service officers provide VBA with essential assistance.

They help claimants prepare claim forms and assemble relevant information and evidence for presentation to VA to substantiate claims. They personally contact veterans to expedite the gathering of necessary evidence, such as private medical records or employment background. Because of their knowledge of VA requirements and processes, they can ensure that their clients have the documentation they need before they file their claims, which saves a great deal of time and effort in VA's processing of the claim. Development done effectively in advance is an enormous advantage to the claimant, both in terms of timeliness and the thoroughness of the process. Their knowledge of the law helps ensure that claims submitted to VA meet the requirements for service connection or other prerequisites for the grant of the particular benefit sought and that all relevant evidence is submitted for consideration.

They also play a vital role in the VA appeals process. VA is required by law to notify the claimant and the claimant's ~~VSO~~ representative of any decision on a claim for benefits and the claimant's right to appeal the decision to the Board of Veterans' Appeals (Board) in Washington, D.C. The representative explains the decision and right of appeal to the claimant and may represent the claimant while the appeal is being processed at a VA Regional Office. At this juncture and throughout the appellate process, the representative can request a personal

hearing before VA and present legal or factual arguments in writing. The services provided include representation before the Board.

VSO and State Veterans Agency Outreach and Advocacy Activities

As part of their responsibilities as representatives for veterans and dependents, VSOs and state and local government veterans agencies and state and local government veterans agencies participate in outreach and other activities that support the claims process by making veterans and dependents aware of changes in the law and other significant events that may impact their eligibility for benefits. These efforts complement those of the Department and ensure that, to the maximum extent possible, the veteran community is aware of changes in VA entitlements.

One example is their outreach to and advocacy for service members returning from Iraq and Afghanistan. They assist VA in providing VA benefits information and, along with VA personnel, advise and assist newly returning service members and veterans in filing claims at their local regional offices. They also advise veterans about Federal and state employment and training opportunities and about their employment and reemployment rights -- information that is particularly valuable to the large numbers of Reserve and National Guard members now called to active service. VA has established an extensive outreach program to make sure that all returning veterans know about VA benefits available to them. Their participation in this effort extends our reach by providing additional people, resources, and locations for the dissemination of information.

National VSOs assist VA with claims development through their active role in the Benefits Delivery at Discharge (BDD) program. BDD is a cooperative effort of VA and the Department of Defense, wherein VA personnel assist servicemembers leaving military service obtain the VA benefits they earned. A number of our BDD operations are supported by the efforts of national VSOs, which complements the activities of Veterans Service Center personnel. They support VA efforts by:

- sponsoring classes on how to complete VA claims forms,
- interviewing and assisting individual servicemembers with filing claims for VA benefits, including reviewing their service medical records, and
- obtaining proper documents needed for VA claims adjudication.

Finally, as veterans' advocates, VSOs and state and local government veterans agencies participate in and initiate civic functions, such as panel discussions, to inform the public of the rights and benefits of veterans and their dependents and the services VSOs render in assisting in obtaining these benefits. These public functions are especially helpful in areas where veterans and dependents live some distance from the VA Regional Office or VA outbased facility. This is another instance of the VSOs and state and local government veterans agencies helping VA to extend and expand our reach.

Training, Responsibility, Involvement and Preparation of Claims (TRIP)

In 1998, VBA began the "Training, Responsibility, Involvement, and Preparation of Claims" program, or TRIP. Today, 57 regional offices have successfully provided TRIP instruction to VSO representatives. TRIP includes

extensive training in claims development that helps VSOs submit fully developed claims so that VA can decide claims more expeditiously.

When a VSO representative completes TRIP training and passes a VBA-administered examination, he or she is qualified to access VBA's electronic records of veterans for whom the VSO has power of attorney. To date, 1,341 VSO representatives have completed and passed the TRIP training. Section 5701(b) of title 38, United States Code, authorizes VA to disclose information about a VA claimant to that claimant's "duly authorized" representative. TRIP training allows VSO representatives restricted access to certain VA computer applications that contain information about the development of their clients' claims. TRIP certification thus enhances accreditation by giving the representative access to more tools and information to assist in the development of the veteran's claim.

Other Collaborative Efforts

To improve our cooperation and expand our efforts with VSOs and state and local government veterans agencies, VBA engages in an active dialogue with them. We discuss and address issues and concerns and engage in new efforts to improve the claims processing system, both at the national and local levels. The Under Secretary for Benefits regularly meets with the national VSOs to discuss issues of mutual interest. I also host a quarterly VSO meeting at which representatives from VBA's five business lines talk with the VSOs about relevant issues affecting the day-to-day business of VBA. In addition, the Compensation and Pension Service holds regular VSO forum meetings to advise the VSO representatives on updated procedures and discuss changes resulting from court

decisions. VA Regional Office Directors and Veterans Service Center Managers have regular meetings with the co-located VSO representatives regarding changes in the law or regulations and other issues of importance to claims processing.

All recognized VSOs and state and local government veterans agencies must train and monitor their accredited representatives to ensure proper handling of claims. Many VSOs have annual training conferences or continuing education courses at which they provide instruction in VA law and the adjudication of VA benefits. As part of their on-going training efforts, VSOs often prepare bulletins and correspondence to acquaint their field representatives with current VA activities and legislation.

I hope that this testimony has demonstrated the important collaborative relationship between VBA and the national, state, and regional or local VSOs in VA's claims adjudication process. VSOs help our veterans in numerous ways—obtaining necessary records, discussing and resolving claims with veterans and VA personnel, and advising the veteran of what is needed in the development an appeal. Moreover, VSOs support us in our efforts to reach out to veterans and their dependents. To facilitate this partnership, VA recognizes VSOs and accredits their representatives, provides TRIP training for access to electronic records, and provides them with free office space and facilities in the regional offices if space is available. We believe that this mutual support and ongoing spirit of cooperation greatly benefits our nation's veterans in obtaining the benefits owed to them.

Mr. Chairman, this completes my statement. I will be happy to answer any questions you or other members of the Subcommittee may have.