

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation (ACDC) COLUMBIA, SOUTH CAROLINA REGIONAL OFFICE SITE VISIT

July 31, 2024

EXECUTIVE SUMMARY

Transcription Services: Provided by Jamison Professional Services

Veterans Affairs (VA) Staff Present:

- Jadine Piper, ACDC Lead Designated Federal Officer (DFO)
- Lisa Lotts, DFO
- Claire Starke, DFO
- Paulette Jones, DFO
- Jelessa Burney, Program Specialist, Advisory Committee Management Office
- James Smith, Deputy Executive Director, Policy and Procedures, Compensation Service, VBA
- Jessica Pierce, Director, Policy Staff, Compensation Service
- Shelia Jackson, Executive Director, Columbia, SC Regional Office
- Talona Smith, Director's Executive Assistant, Columbia, SC Regional Office (RO)
- Charles Kimberger, Assistant Director, Columbia, SC RO
- Woody Middleton, Assistant Director, Columbia, SC RO
- Ricky Ard, Veteran Service Center Manager, Columbia, SC RO
- Wayne Martin, Fiduciary Hub Manager, Columbia, SC RO
- Alethea Harry, VR&E Officer, Columbia, SC RO
- William Johnson, Regional Call Center Manager, Columbia, SC RO
- Reubin Booker, Support Services Chief, Columbia, SC RO
- Alexander Murrell, Human Resources Supervisor, Columbia, SC RO
- Tunisia Wells, Assistant Veterans Service Manager, Columbia, SC RO
- Scott Brown, Assistant Fiduciary Hub Manager, Columbia, SC RO
- Nadia Strafford, Assistant Fiduciary Hub Manager, Columbia, SC RO
- John Andrews, Assistant Veteran Service Manager, Columbia, SC RO
- Pat Worthery, Deputy Director, Veteran Services Division, South Carolina Department of Veterans' Affairs
- Anthony Hodges, Columba VA Healthcare System
- Oscar Rodriguez, Acting Director/CEO, Columbia VA Healthcare System
- Ruth Mustard, R.N., MSN, NEA-BC, Associate Director for Patient Care and Nursing Services, Columbia VA Healthcare System
- Amy Stanley, Deputy Chief of Quality, Safety, Value, Columbia VA Healthcare System
- Angela Walker, Executive Assistant to the Assistant Director, Columbia VA Healthcare System

- Alicia Henry, Executive Office Manager for the Office of the Director, Columbia VA Healthcare System
- Sterling Bird, Executive Assistant to the Director, Columbia VA Healthcare System
- Bridget Schausten, Chief, Quality Management/Process Improvement, Columbia VA Healthcare System
- Sonya Campbell, Director, Vet Center, Columbia VA
- Tommy Neill, Outreach Specialist, Vet Center, Columbia VA
- Garry Jarrell, Executive Assistant to Chief Officer for Readjustment Counseling Service, Columbia VA
- Lloyd Jackson, District Director, District 2, VA
- Ada Egbuji, MD, MSPH, FACOEM, Occupational and Environmental Medicine Physician, C&P, Environmental Registries and Occupational Health, Columbia VA Healthcare System
- Garrett Fisher, Environmental Health Coordinator, Columbia VA Healthcare System
- Kahlil Demonbreun, DNP, RNC-OB, WHNP-BC, ANP-BC, FAANP, FAAN, Women's Health Medical Director

ACDC Members Present:

- Evelyn Lewis, Chair
- Frank LoGalbo, Co-Chair
- Molly Jacobs
- Eloisa Taméz
- Jarrad Turner
- Fred Wagar
- Ronald Lewis

The committee met in an open, public session on July 31, 2024.

Meeting Summary

Purpose: The purpose of the Advisory Committee on Disability Compensation is to provide advice to the Secretary of Veterans Affairs on establishing and supervising a schedule to conduct periodic reviews of the VA Schedule for Rating Disabilities (VASRD).

Rules of Engagement: Jadine Piper, DFO for Advisory Committee on Disability Compensation, conducted rules of engagement. Also indicated that the meeting is open to the public and being recorded.

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July 31, 2024 – Opening Remarks

Claire Starke, DFO, introduced herself and began the meeting, indicating that the meeting was being recorded. She conducted roll call and confirmed they had met quorum and the meeting could continue. She then turned the floor over to Jadine Piper, lead DFO for the meeting.

Ms. Piper welcomed the committee members, VA staff, and guests. She introduced herself and explained the rules of engagement. She also informed them that any members of the public who wished to share comments would be able to do so later in the meeting during the public comment session. At that time, Ms. Piper invited the committee members to introduce themselves. Once they had done so, Ms. Piper turned the floor over to Chair Lewis to lead the discussion for the congressional townhall.

Congressional Townhall

Chair Lewis thanked Ms. Piper and turned the floor over to Mr. Turner to give an overview of what the committee's job was. Chair Lewis then informed the attendees that the purpose of the townhall was to get a better understanding of what the employees were facing as they did their work to assist Veterans. The first question she asked was, what types of congressional inquiries were they receiving in reference to VA claims, support, or assistance?

William Smith answered that most of the things they're seeing currently have to do with PACT Act and medical record requests, both through the National Personnel Record Center and through VA. He shared that NPRC has improved greatly on the responses. They also get claim checks to see where claims are, especially when the claim is in the appeal process. He said those are the main things they are seeing, with PACT Act being the majority.

Mr. Wagar asked what kind of time frame they're looking at for getting medical records for Veterans. Mr. Smith said he usually sees records within a month or two, if they exist. Service records are easier to find, but medical records can be more difficult depending on when they discharged from the military.

Mr. LoGalbo asked if they had any specific examples of congressional inquiries related to VA claims, and the support or assistance they've received?

Mr. Smith said they have liaisons at the regional office that they work with who are incredibly responsive if the regional office needs anything. He said that they work so fast that he usually gets some form of response back from them within a day or two. He shared they also stay with those cases and continue to check on them. The time for each claim varies depending on if it's with the Board or Court of Veteran Appeals and on what type of claim it is.

Mr. LoGalbo asked if Mr. Smith could expand on Board of Veterans' Appeals and if they are prioritizing the expedited claims. Mr. Smith answered that a lot of the people are over 75 so they're already expedited, and that they do tend to go faster but it still tends to take up to a year or so. He shared that he mostly only has Legacy cases that he deals with.

Mr. Turner asked how many appeals they are getting for TBI, if he had an estimate. Mr. Smith answered that it's hard to say because he covers just a certain area of the state. He doesn't think he's seen a lot of TBIs, but the appeals all vary.

Mr. Wagar asked if they had come across any response letters Veterans have gotten from the regional office which were hard to understand or written by AI in a way that showed the AI didn't correctly read the form it was basing the response on. Mr. Smith felt the largest issue was rating determinations and VA math, and having to explain that to Veterans because it doesn't add up in the way normal math does. He felt the wording on decisions was pretty easy to understand, it's just that the Veterans may not agree with the decision. The Veterans don't get a clear understanding of why they are being denied, however, so the decision letters having more detail would be helpful. Mr. Wagar agreed.

Chair Lewis asked if anybody had questions for the committee. One person said that as a VSO, what he sees a lot of is that Veterans come back and want to argue because of the letter saying "favorable findings" on their letter. The findings might say that the Veteran has a diagnosis of the condition, so the Veteran doesn't understand why that isn't enough for them to be service-connected. The Veterans generally feel that "favorable findings" doesn't make sense if a claim is denied.

When it comes to appeals, the VSO said that a lot of the appeals he's dealing with are in the AMA system, not Legacy, and they're still seeing it take about 4 years or more for appeals to go through. He understands the backlog from COVID and explains this to Veterans, but it's still a long time to go through the process. He felt the biggest issue he sees at his VSO office is that they have a lot of Veterans on the pension program, and they used to be able to contact the people processing the pension to speak to them to get explanations about the pension that they can then pass on to the Veteran. Since the process has been moved to a difference facility and city, he doesn't have a contact number to get that information. They have an e-mail that they can contact, but it takes weeks to get a response.

Mr. Wagar asked if the congressional side had any themes or ongoing issues they would like to see addressed.

Mr. Smith said the appeals taking so long seems to be an issue they see a lot of. Veterans putting in appeals that don't realize it could take 4 or 5 years to go through. He said if there's anything they need on the congressional side it's easy to talk to their D.C. people about it. They just want to make sure all the Veterans are being taken care of, especially spouses of Veterans who have passed away.

Dr. Tamez asked for them to talk a bit more about spouses of Veterans who have passed away and the benefits they have. Mr. Smith said that sometimes the process for spouse benefits takes longer, and part of the problem with that is that part of the income the spouse was depending on went away with the Veteran when they passed, and so it can cause financial issues. He said that he makes sure the spouses are matched with a VSO who can work with them and explain what they're entitled to, as well as if there is anything else the spouse can apply for. They just want to make sure that the process goes as smoothly as possible.

Dr. Tamez asked if there was a difference if there were children involved. Mr. Smith said it depends on what the Veteran had applied for previously, but for the most part he just sends them to a VSO to see what can be done.

Mr. Turner asked if they were seeing any discrepancies in exams ordered by the VA. Mr. Smith said they do get some calls about their evaluations and not feeling that their exam was inadequate. He shared that he had put in a claim when the PACT Act happened to see what the process was like and when he got his exam, they didn't take his blood pressure taken until he was about to leave the exam. He said it depends on what the Veteran has to be examined, but that an effort should be made to do a thorough exam.

Mr. Turner said that was something the committee also had heard and understand as happening. He shared that this is something they will be putting in their recommendations. Mr. Smith felt that there weren't as many issues with VA exams, and that the complaints are mostly the outside exams.

Mr. LoGalbo asked if there were specific areas of focus in the state that were being reported back to D.C. that they were focusing on. Mr. Smith said it varies both with the hospital side and benefits side, but currently it's more on the hospital side.

With no further questions from the audience or the committee, Chair Lewis thanked the participants for their time and the townhall ended.

VSO Townhall

Ms. Piper began the VSO townhall introduced Chair Lewis to lead the discussion. She thanked the participants for attending and explained the purpose of the townhall. She then asked the committee's first question: how do they feel the RO leadership communicates?

Matt Muth, a VSO for Anderson County, said they have a good rapport with the RO and they have a meeting twice a year where the RO sends representatives down to give the VSOs presentations and keep them informed on what's happening.

Chair Lewis asked if they felt that claim inquiries sent to other VAROs receive adequate support and action.

Another VSO whose name was inaudible came forward and said she represented multiple Veteran service organizations. She felt that they have had a good experience with the RO and are invited to participate in outreach programs.

Mr. LoGalbo mentioned the National Work Queue and asked what the VSO's thoughts were on the NQ itself, and if they had experience with cases in the NQ not specific to the South Carolina RO, but in general. A VSO said the NQ is broken, that there are cases being put out in the NQ that have been sitting for 60 or more days waiting to be assigned. She said there have been times she got a note saying that a case is ready for decision, but when she checks it's still sitting in the queue for a month or longer waiting for that decision.

Mr. Turner wanted to know if, in the past when they had facilities within the VA so they were local with those working on claims that were not in the queue, if it was as easy to chat with someone or call someone to get concrete answers. The VSO answered that it was not easy from a NQ perspective. She shared that a Veteran had contacted her last week about a letter they had received with an error on it about their claim, and the VSO was able to contact the last RO to process the claim and have it fixed within 24 hours.

Mr. Wagar asked if the VSOs had worked with other organizations that were as helpful as the South Carolina regional office. One VSO answered that when it comes to outside ROs, a lot of times they don't have any contact information for those other facilities. He had also seen claims sit for over a month at a time but was not able to contact someone to see why it was still pending.

Austin, a VSO attending virtually, shared some challenges he faces when it comes to the St. Petersburg regional office. He said that it's not just his office, but that multiple people have sent multiple inquiries to the office at St. Petersburg that handles higher level reviews, and never get a response back. He had sent three and four inquiries about the same claim that had sat untouched for 100 plus days with no response. For the NQ and the higher-level review function of it, he said DTA errors are sitting in the queue for 100 plus days before it is picked up, while the information needed to fix the claim is in the file without being touched.

Mr. Wagar asked if there was anybody at the South Carolina regional office that is a higher level and can reach out to the St. Petersburg regional office to help with that issue. Austin said they have upgraded communication within their RO, but he felt that the St. Petersburg office is responsible for the pending claim so he doesn't think he should have to reach someone at his RO to contact someone else at the other RO. He felt there shouldn't be the need for a middle person, and that the VSOs should be afforded the same respect.

James Smith, Deputy Executive Director for Compensation service within VBA asked Austin to contact him with the specific issues he was outlining. Mr. Smith said that sometimes an issue isn't noticed until someone brings it up at meetings such as the

townhall. He said he would see what can be done to resolve the issue, and understood the frustration of the VSOs. Austin said he would do so.

Mr. Wagar asked if the VSOs had seen an increase in the number of non-accredited organizations or individuals who are charging Veterans for services, and if so, what kind of affect has that had on VSOs?

Michael Strauss, Department Head for South Carolina's American Legion headquarters. He said that "claim sharks" are a big problem for Veterans, and that he would like to see legislation to help combat the issue. Some Veterans don't understand that they're paying a lot of money to unaccredited representatives when they can have an accredited representative for free from a VSO.

Sherry Williams, Assistant VSO for VFW, shared that VFW is on top of claim sharks and are seeing a lot of claims come in. She said they are working with the national VFW to compile a list of different agencies. She shared that in the last month and a half she saw at least 3 Veterans who had gone to claim sharks without realizing it and came to VFW for help.

Chair Lewis asked if the VSOs had any thoughts on how to keep Veterans from being taken advantage of by claim sharks to begin with.

Mr. Muth shared that about 10 years ago, they were seeing situations in nursing homes where the claim sharks were going to nursing homes and handing out flyers. He said what he's done to mitigate this is go to nursing homes himself at least once a year to speak to the Veterans and the people who do admissions to keep the information from being brought into the nursing home to begin with.

Anthony Hodges, who works with the Columbia VA healthcare system, shared that he has worked with the Post-9/11 VA case management program. He suggested that the TAP course that transitioning service members have to take before discharging have that kind of information incorporated into it.

Mr. Wagar agreed that outreach is important and that they do need to work with the service organizations to get the word out.

One VSO said that they have links on the South Carolina state department has a list on the website for accredited representatives that Veterans can contact.

David Murphy brought up that at times when a Veteran works with a VSO and isn't happy with the time a claim is taking to be processed, they go to a lawyer and then back to the VSO when the lawyer isn't helpful. The lawyer doesn't release them from the fee though, and the Veteran ends up paying a percentage of their benefits to the lawyer because of this.

Austin Petry suggested the ROs put out informational posters or provide literature or pamphlets. Chair Lewis said that there is literature that the VA provides on this issue, but it's a matter of getting the literature to the people who need it.

Mr. Wagar asked if the VSOs were working with VA and the state to use social media as much as possible for outreach. One VSO said that his office does have a Facebook page and posts information about predatory unaccredited representatives. He said he also meets with Veterans every Wednesday and pass a lot of information to them in order to get information out with word of mouth. Another VSO said she also uses social media, and the state has a YouTube channel where they have a lot of information for Veterans.

Mr. Wagar asked if there have been studies on what the younger Veterans are using for social media. One VSO said they're working with their local VEO who have social media outreach and the VEO is able to help them figure that out. He emphasized word of mouth being important too, though.

Chair Lewis emphasized the importance of getting information out to spouses/partners of Veterans as well.

Chair Lewis then asked the VSOs how their experience has been with getting errors fixed for Veterans, and what the exam quality has been like.

Dwight Bradham, President of South Carolina Association of County Veteran Affairs Officers, shared that he receives a number of different contacts from different county Veteran officers and most recently one of the things they're seeing is attempts to get out and do outreach to rural areas. The issues they encounter involve a number of practitioners being utilized by various groups, where when the Veterans go in for appointments, they don't see a lot of in-depth information which can result in higher level reviews. He gave an example of a Veteran who was seen on an examiner's break and the examiner barely spent any time with them. He shared that many times, these exams result in higher level reviews which often show duty to assist errors. Mr. Bradham also noted that these bad exams make Veterans distrust the VA because the VA was the one who sent them to the exam.

Chair Lewis asked if he had any letters or examinations he could redact personal information from and share with the committee so they can be used as real-world examples to show the VA the issues happening.

Ms. Piper announced that they were changing to the public comment portion of the meeting.

Public Comments

Ms. Piper read a public comment received via e-mail from retired U.S. Navy Captain Jacqueline Rychnovsky. The e-mail read: My email today references the Notice of Meeting for the Advisory Committee on Disability Compensation. You mention that this committee "reviews relevant information relating to the nature and character of disabilities arising during service in the Armed Forces." Is there a reason "Armed Forces" was referenced instead of "Uniformed Services?" Use of "Armed Forces"

eliminates the USPHS and NOAA, two of the 8 Uniformed Services in the federal government. NOAA and USPHS officers are equally entitled to VA disability compensation and should be included in the work of this committee. Oversights such as these diminish the service of NOAA and USPHS officers and contributes to the public perception that these two services are not equal to the Armed Forces. I look forward to hearing from you on how this can be resolved.

Ms. Piper noted that Captain Rychnovsky was on the line and invited her to speak if she wished to do so. Captain Rychnovsky thanked her for reading her comment and said she was just going to read her comment, which was just read by Ms. Piper.

Ms. Piper shared that the public comment portion was concluded and resumed the VSO townhall portion of the meeting.

VSO Townhall Continued

Jerri Williams from the VFW wanted to comment on the examinations from contractors. She shared that there have been several Veterans going to contract exams and saying that they walk in for something like a GERD exam and are just asked if they're suicidal with no other questions for the exam. She said it's especially for sinusitis, GERD, and migraines where the examiner appears to have reviewed the records but doesn't actually examine the Veteran when they attend the examination. Ms. Williams said there have been issues where Veterans are going for joint exams and on the joint exams, for example for a left hip, the examiner only reviews the left hip and notes the other hip as normal without examining it when in reality the right hip is also having issues. The Veteran then will have a problem where the examination said the right hip was normal and the exam would be used by examiners or rating staff against the Veteran.

Another VSO said they have seen issues with the exams as well and shared that Veterans have expressed to her that the term "prostrating" for migraines should be changed to "debilitating" because it fits the symptoms better.

Jelessa Burney from the Advisory Committee Management Office circled back to Captain Jacqueline's comment about armed forces versus uniformed forces. She shared that the language that was used during the committee's inception is in the charter, so in order for that language to be changed, the committee and support program office would have to start a change conversation with the Office of Congressional and Legislative Affairs. That is why armed forces was used, because it's in the committee's charter and the statute that is congressionally mandated.

Mr. LoGalbo brought up appeals as a topic, and asked the VSOs what their experience was with the appeal process.

A VSO shared that from the higher-level review standpoint, it's been a great experience. He felt BVA is doing a good job working with getting the Legacy cases taken care of. He felt the judges he has spoken to from BVA to be very personable and knowledgeable.

He also noted that when it comes to a decision letter, it is crucial to make sure the information is there so a Veteran can easily understand the reason for the decision.

Mr. LoGalbo asked about the feedback the VSOs are receiving from Veterans about the notification letters, and if they are easy for the Veterans to understand. The VSO said that the references cited are great, and when a decision is rendered it's useful for the Veteran to be able to look up the references to understand. Some more complicated claims do require a VSO to help the Veteran understand what the decision is saying specifically.

Another VSO came forward and shared that she was recently in a hearing with a Veteran who had 11 contentions. She said that of the 11 on appeal, three were already granted. She said that sometimes the Board of Veterans' Appeals law judge will allow the VSO to move forward with the 3 contentions but the initial concern was having service connection granted, so if a contention is shown to be granted it should be removed from the docket.

Mr. LoGalbo read a note from Melody Lakovich which defined "prostrating" as causing extreme exhaustion, powerlessness, debilitation, and incapacitation with substantial inability to engage in ordinary activities. Completely prostrating is defined as extreme exhaustion, powerlessness, full inability to engage in ordinary activities.

The VSO who had brought up the term "prostrating" shared that the problem is that examiners don't follow through with what it is defined as in the M21. When a Veteran explains that their migraines are debilitating and they have to be in a dark room, the examiner is not picking up that language and reading it as "prostrating" as it should be. Chair Lewis agreed that there is a language issue between patients and physicians. She asked if there were any further questions or comments. With none, she thanked the VSOs for the engaging conversation and shared that they had taken notes on what they have heard from the VSOs.

Ms. Piper asked if Ms. Williams wanted to expand on a comment she wanted to share about DBQs. Ms. Williams suggested that since the definition of prostration had to be clarified in the CFR, perhaps the DBQ should be updated to reflect the definition so the examiner can see it in front of them during an examination.

At that time, Ms. Piper informed the meeting that they would take a break and come back for the next section.

South Carolina Department of Veterans Affairs

Pat Worthery, Deputy Director of Veteran Services Division for South Carolina Department of Veterans Affairs, introduced herself to the meeting. She shared that there were some concerns they hoped the committee could address with them or point them in the right direction. One of the main things they were interested in involved data

sharing. She understood there were rules that prevented data sharing such as demographics that Secretary McCaffery was interested in closing that gap.

She said they are looking for data on the amount of known Veterans in the state of South Carolina, as well as the amount of known Veterans receiving compensation. They are often asked for that information by the South Carolina state governor and would like to receive that information on an ongoing basis.

Mr. Wagar asked if she got data off of the VA website that provides information on compensation and number of Veterans. He didn't think the number was always correct, as the number for the state of Nevada on the website is lower than the actual number, but the information is available.

Ms. Wortherly answered that they are getting the information via the VA's office, as well as websites and information Director Jackson shared with their office. Most of the data they are able to access comes from Director Jackson and her team. She said the data they are looking for is not on the VA website that Mr. Wagar was referring to.

Ms. Wortherly shared that the next thing her office is interested in is the RONA data, release of names and information. They have requested the RONA data and received the information, but the data they were given was primarily duplicated data and not accurate. She said Secretary McCaffery wanted to send letters to Veterans in South Carolina to share important information with them about changes or updates with the VA, and to thank them for being a Veteran in their state. In addition, she said the OPI team would also like to send data to Veterans about upcoming claims clinics.

Mr. Wagar suggested they look into doing shared agreements with DoD that would let them know who is moving to their state based on the Veteran's DD-214. He shared that they do so in Nevada so that they are able to send a letter to every person who is moving to, or indicated that they're moving to, Nevada in their DD-214.

Ms. Wortherly thanked him for bringing up DoD, because she would appreciate any assistance the committee can give her and the team to get a point of contact for DoD in order to get that information for Veterans.

Mr. Turner asked if Ms. Wortherly was working with anybody at the Veteran Experience Office in D.C., and when she indicated she was not, he offered to work with her to help establish that connection. He shared that he had worked with them in Georgia and gotten a lot of useful data they have used to help Veterans.

Mr. Wagar suggested they also speak with the National Association of State Veterans and Veteran Affairs and offered to give Ms. Wortherly that contact information as well.

Mr. Turner asked how they are engaging with the younger population of Veterans or multiple populations. He wanted to know if there were any discrepancies when it came to engaging with those multiple populations, and if they understand the benefits they're eligible for and how to apply for said benefits.

Ms. Wortherly answered that their OPI team uses various social media websites, including a YouTube website for the South Carolina Department of Veteran Affairs, which shares information about how to file claims. They also use Facebook as one of their major platforms, as well as Twitter in a smaller capacity. There is also a member of their OPI team who looks for questions on social media that Veterans are asking so they can be directed to the information they're seeking.

Mr. Wagar asked how Veterans find their social media websites, and Ms. Wortherly shared that it was mostly through Facebook, though they also work with local news channels for advertising and broadcasting. The news channel also shares the state's VA website and directs individuals with inquiries to the website.

Mr. Turner asked if they are seeing any challenges when it comes to the diversity of Veterans and understanding verbiage on certain information pertaining to claims and compensation. Ms. Wortherly said there are challenges across the state, particularly with their older population such as Vietnam era Veterans. They can find it challenging to understand the rating decision or notification letter they have received, so they will call the state VA office which helps them as much as they can before referring them to their county VSOs.

Mr. Turner then asked if there were any challenges related to the PACT Act, and if she knew what the demographics looked like as far as men versus women or different cultures. Ms. Wortherly said there were some challenges, but she had been working with other Veteran service organizations to put together claims clinics and go around the state to different areas. She shared that there was one community where they did a claims clinic and expected maybe 50 Veterans and ended up with close to 150 attending. She was reached out to by one of the local colleges in that same area to ask them to come back to do another claims clinic because of how many Veterans they had that needed help. They did so and served another 100 Veterans with that claims clinic. She noted that they were talking and strategizing with the state and federal to get the pockets of Veterans who need help, taken care of.

With no further questions or comments, the meeting took a short break before continuing to the Compensation Service leadership address to the committee.

Compensation Service Leadership Address to the Committee

Ms. Piper turned the floor over to Deputy Director of Policy and Procedures, James Smith. Mr. Smith thanked them for the opportunity to be there and speak about who they are and what they do in respect to caring for Veterans. He said one of the things he was most proud of was being one of the individuals who executed the effort to scan and digitize all of Veteran's records for VA. Then worked on centralized mail portal to decrease time for mail.

He explained within VBA, his office is responsible for policies, procedures, rules, and guidance that goes out to all claims processors. When there are questions or concerns

about a decision that was made, it goes through his office. Within VASRD, they have an earnings/loss officer who reviews earnings/loss study.

Mr. Smith shared that the PACT Act has changed to where they have a presumptive process that can be leveraged in a variety of ways to help a Veteran get service-connected if they are eligible to be so. He said he was interested to know their thoughts, questions, and concerns so he can take some of that back with him to his office in Washington, D.C.

Ms. Wortherly said she had had a few hearings for widows at the VBA level but has run into the problem of the process taking years. She shared an example of a widow being granted benefits 2 years ago but still had not received backpay.

Mr. Smith thanked her and said with surviving spouse, DIC falls under a colleague of his. He asked Ms. Wortherly to send the information to him so he can forward it to his colleague to find why something would be pending that long.

Chair Lewis said he had mentioned the PACT Act, and wondered if there was any exploring of the system to help the claims process with the load of new cases. She wanted to know how the VA was working with a system that was overloaded and can't function sufficiently. The claims are increasing but personnel are not.

Mr. Smith said for VBA, that falls under the Office of Field Operations. He does work closely with VHA because they need to increase staffing to accommodate increase in patients. When it comes to the PACT Act, they're very involved in forecasting what the increase in workload is going to look like. Within VBA, he knows there was a push to bring on and train thousands of employees. He didn't think they had seen the timeliness of claims processing decrease overall. He shared there has been a concerted effort to make sure they evaluate the quality of decisions being made so they are done right the first time. He did acknowledge that it has been a learning experience for everybody. Chair Lewis asked, if the process wasn't operating as sufficiently before the additional claims from PACT Act, how had the process improved? Mr. Smith said there are different situations and that he didn't see personally that the process wasn't efficient to begin with. He believed their efforts to digitize records and leverage resources across the organization has created the most efficient model.

Mr. Turner shared that he had met a lot of Veterans who feel that VA is not living up to the oath it took to serve Veterans. He didn't feel it was the people who were the problem, but the system. He asked what can be done to better align processes so they can address the needs of their past, current, and future Veterans?

Mr. Smith said that he is a processes person, and that he wants to see what can be done to streamline the process of VASRD updates considering how long it's taking to update a body system and how once the system is updated, the information might be out of date already.

Mr. Turner said that for them as a committee, they want to be their force multiplier to help progress change.

Chair Lewis asked Mr. Smith what his thoughts were on disparities in approval rates of disability claims.

Mr. Smith said it's unacceptable that a similarly situated individual would be provided a different response. He shared that the Undersecretary of Benefits and Undersecretary of Health have met with him multiple times to figure out where the issue is. He noted his commitment to find why the disparities are happening and what needs to be done to fix them. He shared that one of the things being worked on is a job aid that addresses effective date issues. Other than what he or his team are doing, which appears to be not quite enough or fast enough, he felt that the rating schedule is blind to the other issues. He acknowledged that it is important to have conversations and talk openly with all parts of the system that are attached to the issue, and that is where they should start. He said that he couldn't really point at anything else that his office is doing to change things other than having those conversations with VHA to figure out what they need to do.

Chair Lewis agreed that the conversations are an important part of fixing these issues.

Mr. Smith shared that there is a group working on updating letters sent to Veterans to ensure they make sense to the average person in collaboration from representatives across the VA.

Mr. Wagar thanked Mr. Smith for being so transparent. He said he wanted to address that at Mr. Smith's level, there are a lot of decisions being made and it's a higher level.

Mr. Wagar said that they needed to make sure that issues aren't fixed only for one area or person. If it's a systemic issue, it needs to be addressed at that level as well.

Mr. Smith agreed that consistency is important. He shared that they work closely with others to ensure that changes being made are improving the entire process. There has been a concerted effort to have more townhalls, not only in person but virtually as well.

Mr. Turner asked if there was a way for members of the ACDC committee could visit ROs when Mr. Smith is visiting them, if the committee member is close enough to do so. That way the conversations aren't isolated and are instead shared with all regional offices. Mr. Smith said he would find out if that was possible.

Ms. Piper thanked Mr. Smith. She then shared that the next part of their agenda is the Veterans' townhall, which is their final townhall. She turned the floor over to the committee.

Veterans' Townhall

Chair Lewis welcomed everybody to the townhall. She explained that they wanted to have an exchange of information through conversation with the Veterans. She shared that the committee had some questions for them, but that they would also be able to ask

the committee questions. Mr. Wagar then gave an overview of what the committee does and how it has come together. The committee then introduced themselves to the attendees.

Chair Lewis asked if anybody wanted to share their experience going through the claims process with them.

A Veteran came forward and shared that he had a 0 percent rating coming out of the military and that when he went to a VA hospital near him, he had to show them on his phone that he was a Veteran and they told him that he made too much money to be seen at the VA, when the VA does not prohibit any Veterans from receiving care at their facilities. He said that other than that, he had a positive experience.

Another Veteran shared that she was a long-term migraine sufferer, and her claims process was after she was freshly retired. She went through the process with DAV and had a good representative, but there were things that she encountered during the process that she sees Veterans deal with today as well. One example is thinking that something is in their records when either it wasn't when they were told it would be, or it wasn't what the examiner was looking for in terms of evidence for their claim. Overall, her experience was positive.

Chair Lewis asked if anybody had problems scheduling exams. The Veteran who just spoke shared that her exam was while she was still on active duty and she didn't have any issues with the exam.

A Veteran said he did have some problems with scheduling because they he to use community care. He said he was given a number to call for scheduling but there was no voicemail so he was unable to ever actually speak to someone on the phone. He shared that he had to go to the facility in person to schedule the exam.

Mr. Turner asked if the Veteran would have been able to navigate the system if they weren't already familiar with it, as the Veteran works with the American Legion. He said he would not have and was told from someone else that he was eligible for care.

Mr. Wagar said he had a question about community care and examinations for claims. He asked if they had experienced both VA exams and contracted exams, and if they could share the difference?

A Veteran said he had only had VA exams. Another Veteran said hers were outside examinations.

Mr. Wagar shared that the committee was very aware of how inadequate exams can be, such as when the examiner doesn't check range of motion when the Veteran is there for a range of motion claim. He asked how the committee can improve communications to the community to get more Veterans to come to a Veterans townhall.

One Veteran said they found out via e-mail and forwarded it to people he knew would be interested.

Mr. Wagar asked if there was anything other than e-mail that can be done. The Veteran said there is a newsletter but the information about the meeting was not included.

A Veteran came forward with a question. He shared that he had come to the regional office to make a claim on July 1 and found out about the townhall from a flyer that was in the regional office. He said he's part of another group meeting later that afternoon and nobody in that group knew anything about the meeting. He said he had not seen any flyers in the VA hospital, only at the regional office, so the flyers should be shared in places where Veterans are going to be.

Chair Lewis thanked him and said they would make sure that his suggestion is considered for the next townhall. She asked if any Veterans had received letters from the VA regarding their claims, and if so, was the letter clear to the Veteran what they needed to do going forward.

Valerie Bronson came forward and said that in working with Veterans, upon receiving their letter from VA, the first thing they do is call her to go over it. She said she and other VSOs spend a great deal of time explaining the VA's letters to Veterans. Chair Lewis asked what in the letters specifically need to be explained. Ms. Bronson answered that they are asked what the letter means, how much their percentage is, and what the effective date is. She said that the letters will list a lot of percentages of the service-connected condition if the Veteran had changing percentages over time, which is confusing when there's a list instead of just the one percentage which is currently assigned. The letter will also list dates with every change that has been made to the

Veteran's claim, which is why they will often be confused about the actual effective date.

The term "favorable finding" is also confusing to Veterans because the letter will say there are favorable findings, but the claim was denied, so the Veteran thinks that's contradictory.

Chair Lewis asked what the process is like when Veterans want to appeal the decision. Ms. Bronson said that the letter does have a list of three forms the Veteran could

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/s/ Jadine Piper
Committee Designated Federal Officer
Dated: September 9, 2024

/s/ Evelyn Lewis
Committee Chair