

**Testimony**

*of*



**Presented**

*by*

**Kelsey Yoon, Esq., Director  
Veterans Benefits Program**

*Before the*

**House Committee on Veterans' Affairs  
Subcommittee on Disability Assistance and Memorial Affairs**

*Regarding*

**Exploring the National Work Queue's  
Impact on Claims Processing**

**February 14, 2017**

Good afternoon, Chairman Bost, Acting Ranking Member Brownley, and other Representatives of this distinguished subcommittee. On behalf of the VVA National President, as well as the members of Vietnam Veterans of America (VVA), I thank you for affording VVA the opportunity to testify today regarding the National Work Queue's impact on claims processing.

The National Work Queue (NWQ) is an IT-based workload management system that assigns claims to be adjudicated to a regional office (RO) based upon capacity, instead of assigning the claim to an RO in the state where the veteran resides. The goal of the NWQ is to eliminate the backlog by processing all claims in 125 days. VA is considering expansion of the NWQ to appeals and non-rating claims.

Pre-NWQ, all claims were adjudicated in the same state where the veteran resided. This process permitted service representatives to develop working relationships with VA claims raters at their respective ROs to ensure that decisions were decided accurately and as early as possible. Indeed, VA procedures require service representatives to have 48 hours (or 16 business hours) to fully review decisions for errors *before the decisions are formally promulgated*.<sup>1</sup> This vital step ensures accurate decisions are issued as earliest as possible and prevents the need appeal claims.

However, since implementation of the NWQ, service representatives are further distanced from the claims process, and in some instances, blocked out entirely. Although VVA generally supports the use of technology and VA's desire to move to a paperless system, the NWQ was implemented without prioritizing the crucial role service representatives play in the claims process. To date, VA has failed to prioritize search features in VBMS for service representatives to adequately review claims, neglected to provide accurate information concerning how service representatives can connect with a claims rater in a timely manner, and decreased transparency in rating decisions. VVA believes that due to these deficiencies, we are unable to fix erroneous decisions and are forced to appeal more claims.

VA's failure to prioritize the service representative review process is tantamount to fostering an adversarial and anti-veteran claims process. Although VA listened to veterans service organizations' concerns before, during, and after the implementation of the NWQ, these concerns continue to be put at the bottom of the priority list. VVA is left concluding that VA is only interested in using the NWQ as a tool to eliminate the backlog at the expense of decision accuracy. VVA believes the prioritization of speed over accuracy is certainly not in the spirit of a pro-veteran, non-adversarial claims process.

Therefore, VVA strongly opposes the expansion of the NWQ to appeals and non-rating claims until, at a minimum, the following recommendations are fully implemented.

### **1. Recommendation to prioritize the Station of Origin (SOO) requirement in VBMS.**

Currently, it is nearly impossible for a service representative to competently assist their veterans through the claims process due to the inability to search by Station of Origin (SOO) in VBMS. VBMS does not have the functionality to allow service representatives to accurately

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<sup>1</sup> See M21-2, Part I, 3.B.3.b (last updated 9 March 2016).

track claims that need review during the 16 business hour review period. This request was first raised years ago, and it has still not been prioritized.

The absence of the ability to search claims by SOO particularly impacts VVA because we do not have a veterans service program in each state to properly monitor claims activities at each RO. As a result, the NWQ has forced VVA to assign multiple stations to a single service representative; for example, two employees stationed at VVA's office at the Appeals Management Office (AMO) cover 11 separate stations every day. In addition to the ballooning workload of each employee, the quality of review is diminished due to the lack of familiarity with the claims file. This is an unacceptable outcome and an unsustainable model.

VVA believes there is no feasible workaround until the SOO is prioritized in the next VBMS update. Although VA indicates that it is possible for service representatives to search by the veteran's zip code, this is not a feasible workaround for VVA service representatives who are covering multiple states or hundreds of zip code areas each day. Additionally, on February 6, 2017, VA indicated that the zip code filter function in VBMS is defective.

VA has been informed, *for years*, of the urgent need for this VBMS requirement; however, it continues to be given zero priority.

## **2. Recommendation to publish CMA contact information for service representatives and to establish pro-veteran protocol for service representatives' claims reviews.**

Pre-NWQ, when a service representative spotted an error in a rating decision during the 16 business hour period, she would be able to immediately call, email, or directly visit that VA claims rater to discuss the error identified so that it could be fixed quickly. The name of the RO was published on the rating decision and the name of the claims rater was published on the rating code sheet, so it was easy for the service representative to identify who to contact. This permitted service representatives to develop collegial working relationships with VA claims raters, and ultimately, assisted in preventing errors and appeals.

Due to the NWQ, service representatives may now need to contact a rater in another state where the claim is adjudicated. Unfortunately, VA has failed to provide accurate information and consistent policies concerning how service representatives can connect with a claims rater in a timely manner if an error is identified. VA currently directs service representatives to first reach out to the VA claims rater directly if an error is identified. If the claims rater is not known, which is usually the case for a NWQ-claim, VA instructs service representatives to reach out to the Change Management Agent (CMA) at the RO where the claim was decided.

Unfortunately, in practice, it is often impossible to reach a VA representative at an unfamiliar RO to address a claim in a timely manner. VVA believes this is primarily due to two reasons. First, VA is unable to produce an accurate CMA contact list for service representatives to use if we need to get in touch with someone quickly. Second, even if a service representative contacts the appropriate CMA, we often do not receive a response for weeks or the response does not address the issues or questions raised. By this time, the decision has already been

promulgated, and the service representative is forced to appeal the claim – often on the exact same grounds raised in the original email to the rater.

Therefore, VVA makes the following two recommendations. First, VA should publish an accurate list of CMA contact information for each RO on its website. This list should be updated in real-time and should include a name, email address, and phone number. Second, VA should develop and enforce the following protocol for service representatives' claims reviews: (1) CMAs or VA raters should respond to rating decision inquiries within 8 business hours to confirm receipt; (2) the rating decision in dispute is not permitted to be finalized until the service representative's challenge is properly reviewed and answered; and (3) a VA representative must provide a response to the service representative's inquiry within 16 business hours.

**3. Recommendation to include both Station of Origin (SOO) and Station of Adjudication (SOA) on rating decisions and to include the full name of the claims adjudicator on rating code sheets.**

Previously, VA would publish the name of the RO that adjudicated the claim and the name of the claims rater who made the decision on the rating code sheet. This information facilitated the ability of service representatives to quickly identify who they needed to contact if they found an error with a decision. Moreover, by including this information on each rating decision and code sheet, it increases transparency and accountability of the claims process.

Recently, VA has removed both the RO name and the name of the claims rater on rating code sheets. Because of these changes, it is often difficult to identify which RO adjudicated the claim and it is nearly impossible to identify *who* adjudicated the claim. This information is necessary to have if we need to timely connect with a VA claims rater to address an error. It is sometimes unclear in the "notes" section of VBMS where the claim was adjudicated; this is especially true of a veteran has multiple claims being worked on at the same time.

Therefore, VVA recommends that VA include both the Station of Origin (SOO) and Station of Adjudication (SOA) on all rating decisions and add the full name of the person who adjudicated the claim to the rating code sheet. These changes will increase transparency of the claims process and support the service representatives' ability to quickly connect with the VA claims rater if an error is found.

In sum, the recommendations that VVA puts forth today seeks to increase the accuracy of rating decisions and prevent appeals, supports transparency and accountability of the claims process, and ensures that the non-adversarial benefits system is truly working *for* the veteran. VVA opposes the expansion of the NWQ to cover appeals and non-rating claims until the issues raised today are fixed.

Thank you for this opportunity for VVA to share our thoughts regarding the NWQ's direct impact on veterans and the claims process. I am happy to answer any questions at this time.

**VIETNAM VETERANS OF AMERICA**  
**Funding Statement**  
**February 14, 2017**

The national organization Vietnam Veterans of America (VVA) is a non-profit veterans' membership organization registered as a 501(c)(19) with the Internal Revenue Service. VVA is also appropriately registered with the Secretary of the Senate and the Clerk of the House of Representatives in compliance with the Lobbying Disclosure Act of 1995.

VVA is not currently in receipt of any federal grant or contract, other than the routine allocation of office space and associated resources in VA Regional Offices for outreach and direct services through its Veterans Benefits Program (Service Representatives). This is also true of the previous two fiscal years.

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## **KELSEY YOON**

Kelsey Yoon, Esq., serves as the National Service Director of the Veterans Benefits Program and Senior Counsel for Vietnam Veterans of America (VVA). As such, she oversees the National Appellate Attorneys, National Service Officers, and support staff at VVA's offices at the Appeals Management Office (AMO) and the Board of Veterans' Appeals (BVA). Additionally, she oversees and manages over 500 VVA accredited service officers nation-wide as VVA's authorizing official.

Prior to serving as the National Service Director, Ms. Yoon served as Deputy Director for VVA's Veterans Benefits Program, Senior National Appellate Attorney, and National Appellate Attorney at VVA's office at the BVA. Prior to joining VVA, Ms. Yoon clerked for the senior judges at the Superior Court of the District of Columbia. She is also a recipient of a Blakemore Freeman Fellowship (2008-2010) and Fulbright English Teaching Assistant Award (2005-2006), which permitted her to work in Ilsan and Seoul, South Korea.

Ms. Yoon received her juris doctorate, *cum laude*, at the American University Washington College of Law. She also attended the University of Washington (M.A., Sociology) and Tufts University (B.A., *cum laude*). Ms. Yoon is licensed to practice law in New York and Massachusetts.