

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

November 17, 2017

The Honorable David J. Shulkin
Secretary
U.S. Department of Veterans Affairs
810 Vermont Ave. NW
Washington, DC 20420

Dear Mr. Secretary:

I am writing to request an update on efforts by the Department of Veterans Affairs (VA) to implement recommendations made by the Government Accountability Office (GAO) regarding disability appeals decisions.

In March 2017, GAO issued a report finding that VA should take action to improve the timeliness of disability appeals decisions. If a veteran disagrees with a compensation decision for disability benefits, they can first appeal to the Veterans Benefits Administration (VBA) and then to the Board of Veterans' Appeals. At the end of fiscal year 2015, VA had more than 427,000 pending appeals, including approximately 81,000 before the Board of Veterans' Appeals. Additionally, veterans waited more than three years on average for a decision and more than five years for a decision by the Board of Veterans' Appeals.¹ For many veterans applying for disability benefits, these delays can exacerbate existing challenges due to age and disability status.

In its report, GAO made five recommendations to VA involving staffing, reforming the process, and updating technology systems to help increase the timeliness of appeals decisions. Specifically, GAO recommended that VA should apply sensitivity analyses when planning staffing needs, develop a more detailed workforce plan, develop a plan for monitoring reforms in the process, and create a schedule for IT improvements that includes potential reforms. VA concurred in principle with these recommendations, but stated that the agency has met the intent of the recommendations and additional action is not required. GAO disagreed with this assessment.²

GAO also recommended that VA incorporate pilot testing of any proposed appeals process reforms and pursue the legislative authority to do so; VA disagreed with this

¹ Government Accountability Office, *Additional Planning Would Enhance Efforts to Improve the Timeliness of Appeals Decisions* (GAO-17-234) (Mar. 2017).

² *Id.*

recommendation. GAO has since changed this recommendation to a matter for congressional consideration stating that Congress should consider making this recommendation a requirement.³

The Comptroller General wrote to you in July 2017, requesting that these recommendations be prioritized.⁴ In order to better understand how VA plans to fully implement GAO's recommendations, please provide a written response to the following questions no later than December 8, 2017:

1. What steps has VA taken to improve timeliness of appeals decisions, including specific policies developed and instituted, that justified the VA's decision not to implement any of GAO's recommendations?
2. What progress has VA made in developing a monitoring plan with metrics and goals and what specifics would the VA point to as evidence of implementing appeals process reform? Please provide documentation of metrics and performance goals.
3. What quality assurance efforts does the VA have in place to assess the appeals process, including on measures of timeliness?
4. How will VA evaluate the effectiveness of a reformed appeals process?
5. How long will it take for VA to fully implement any reformed appeals process it has developed?
6. What staffing changes has the VA made, including in hiring, training, and performance evaluation, to improve the timeliness of the appeals process?
7. On what basis does VA disagree with GAO's recommendation to incorporate pilot testing of a reformed appeals process?

Should you have any questions, please contact Hannah Berner with my staff at (202) 224-5065. Please send any official correspondence related to this request to Lucy Balcezak at Lucy_Balcezak@hsgac.senate.gov. Thank you for your prompt attention to this matter.

Sincerely,



Claire McCaskill
Ranking Member

³ *Id.*

⁴ Letter from Gene L. Dodaro, Comptroller General of the United States, Government Accountability Office to David Shulkin, Department of Veterans Affairs (July 17, 2017).

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cc: Ron Johnson
Chairman