

Examining VA Efforts to Decrease Delays in Veterans' Disability Compensation Claims

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Statement of

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Veterans of Foreign Wars of the United States

For the Record

United States House of Representatives

Committee on Veterans' Affairs

Subcommittee on Disability Assistance and Memorial Affairs

With Respect To

**“Examining VA Efforts to Decrease Delays in Veterans' Disability
Compensation Claims”**

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Chairman Luttrell, Ranking Member McGarvey, and members of the subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to provide testimony on this topic.

Myriad reasons may cause delays in the Department of Veterans Affairs (VA) disability compensation claims process. However, despite the reason, they often result in underpayment of claimants and denial of benefits, at least for a period of time. We will limit our statement to four common causes of delay: failure to conduct a full review of the record prior to filing the claim, claim overdevelopment, review of the physician's medical opinion by a lesser credentialed medical professional, and anomalies in claims processing automated tools.

Failure to Conduct a Full Review of the Record

A VA Veterans Service Representative must perform a full review of a record during the development of the claim. In some cases, claims processors will focus on the first contention in the record and then base examinations and other actions only on that specific claimed item, rather than consider the entire scope of the claim. Ordering medical examinations based on an incomplete understanding of the record could cause unnecessary or duplicative examinations and medical opinions as the details of the record emerge. Superfluous medical examinations contribute to a disjointed process and unnecessary delays.

Overdevelopment

Overdeveloping the claim by ordering unnecessary medical examinations slows down the claims process and often frustrates the veteran. Claims for conditions related to toxic exposures seem especially prone to overdevelopment. Presumption of service connection satisfies the need for a medical opinion if the claimant's service record substantiates service

in an exposure location and eliminates the requirement for further medical examination. Any additional investigation or medical examinations would be redundant and should be considered overdevelopment. As an example, for a veteran exposed to burn pits, VA would automatically grant service connection for a claim for chronic obstructive pulmonary disease (COPD), which is a presumptive condition attributed to that exposure. VA should not order a medical examination and incur a delay to determine some other cause of the COPD, such as the veteran's smoking habits. The VFW recommends that VA cross reference any previous claims and/or existing medical records to prevent ordering an unnecessary medical examination that would contribute to a delay in adjudicating the claim. VA also acknowledges claims overdevelopment as a problem area and established its own overdevelopment task force in 2021 to educate claims processors on strategies to reduce or eliminate this practice.

Review by Lesser Credentialed Medical Professional

Sending the physician's medical opinion to a lesser credentialed medical professional, such as a nurse practitioner, for confirmation/certification causes unnecessary delay and should not routinely occur. Claimants could perceive this practice as developing evidence to deny the claim rather than offering the veteran reasonable doubt. Time lost in sending the medical opinion report to this medical provider and awaiting action contributes to the delay with no increase in accuracy, quality, or completeness of the claim, and often results in an improper denial of benefits.

Automated Tools Performance Degradation

Automated tools ease claim preparation, submission, and tracking. However, VA must monitor their use to detect problems and develop solutions at the earliest possible opportunity to prevent delays. Beginning in May 2024, our VFW Service Officers noticed delays over several months in electronic claims submissions to the Veterans Benefits Management System. Delays of 40 days were routine persisting through December 2024. During those months, we met several times with VA to solve the problem and determine the cause. The situation is currently resolved with submissions occurring mostly within a day or two, but we still do not know conclusively what caused the delay or what to do if it occurs again. A 40-day delay to simply add evidence to a veteran's record is unacceptable and provides the opportunity for other situations that could have adverse effects, such as when

VA decides a claim when there is additional evidence waiting for initial processing that would have resulted in a grant of benefits. When this happens, the veteran must file an appeal and wait months or years for a benefit delayed by an incomplete claims file.

Information Required by Rule XI2(g)(4) of the House of Representatives

Pursuant to Rule XI2(g)(4) of the House of Representatives, the VFW has not received any federal grants in Fiscal Year 2025, nor has it received any federal grants in the two previous Fiscal Years.

The VFW has not received payments or contracts from any foreign governments in the current year or preceding two calendar years.