

VFW Opposes VA Decision to Eliminate Accredited Veterans Service Officers 48-Hour Review Period for Claims; Demands Answers from Leadership

‘Making this change in the midst of a national pandemic is extremely troublesome and is just the latest example of distrust and lack of confidence in our VA to make our veterans its number one priority’

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WASHINGTON – Veterans of Foreign Wars National Commander William “Doc” Schmitz called it “despicable” and “inconceivable” that Department of Veterans Affairs Undersecretary for Benefits Dr. Paul Lawrence intends to eliminate the accredited veterans service officer (VSO) 48-hour review period for claims effective April 30.

“The VFW strongly opposes the repeal of the 48-hour review period in reviewing VA decisions for accuracy, as this is a final quality control check that we perform on behalf of our veterans to ensure that their rating decisions are correct the first time,” said Schmitz.

VSOs have the opportunity and the responsibility to review proposed VA rating decisions to ensure that all claimed conditions have been addressed and properly adjudicated prior to VA finalizing its rating decision and sending notification to the veteran.

For decades, VA has allotted VSOs 48 hours to review the applicable laws and regulations that were applied to the claim. During this time, VSO representatives can go back to VA to seek corrections before each claim goes to promulgation. This quality review allows VSOs to give the claim an independent quality control check before it is reviewed by VA and undergoes VA’s internal quality review process.

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The VSO review process is outlined in VA's claims processing manual, M21-1. Per M21-1 I.3.B.3.a ***“the purpose of VSO review is to identify any clear errors or matters of clarification that require significant discussion, and/or correction prior to promulgation.”***

VA formerly allowed this same review for VSOs in a paper-based system by utilizing the “ratings table” at each VA Regional Office that gave the VSO the opportunity to physically review the claims folder for accuracy. Once the VSO was satisfied that the rating was correct or held conversations with the rater to discuss actions, the VSO signed off on the rating signifying concurrence and it was then forwarded for promulgation.

“To paraphrase former Administrator of the Veterans Administration, Gen. Omar Bradley, ‘We are dealing with [veterans], not procedures; with their problems, not ours,’” said Schmitz. “This philosophy should always guide VA in its transactions with veterans. Instead, VA’s proposal to eliminate the 48-hour review puts process before people.”

VA’s decision to suspend the 48-hour review period for VSOs will only continue to further erode the veteran’s right to competent representation in benefit claims before VA. The ability of VSOs to advocate on behalf of our clients has already been diminished by VA’s continued rush to implement new business processes that appear to suit the needs of VA but will only result in additional appeals and disappointment with the claims process.

“The VFW remains committed to our veterans’ advocacy mission – a century-old mission that predates VA’s existence and management of veterans’ benefit programs,” said VFW National Veterans Service Director Ryan Gallucci. “The VFW compels VA Undersecretary for Benefits Dr. Paul Lawrence to reconsider his directive to eliminate the 48-hour review. Absent Dr. Lawrence’s reconsideration, the VFW will exercise all avenues of redress to include proposing legislative remedies and pursuing litigation.”

Schmitz said rash decisions like this result in a lack of trust in the VA from veterans, service members and families.

“The VA has had a difficult history of earning and maintaining the trust of its veterans, service members and families,” Schmitz said. “Making this change in the midst of a national pandemic is extremely troublesome and is just the latest example of distrust and lack of confidence in our VA to make our veterans its number one priority.”