

July 1, 2020

ATTORNEY GENERAL RAOUL URGES U.S. DEPARTMENT OF VETERANS AFFAIRS TO REEVALUATE CHANGES TO CLAIMS PROCESSING POLICY

Chicago — Attorney General Kwame Raoul and South Dakota Attorney General Jason Ravensborg led a bipartisan coalition of 42 attorneys general urging the U.S. Department of Veterans Affairs (VA) to rescind a newly-implemented policy that will result in further delays and confusion in the claims process.

In a letter submitted to Under Secretary for Benefits Paul Lawrence, Raoul and the coalition are asking the department to postpone and reevaluate changes made to its longstanding claims review policy while the nation faces a public health pandemic. In April, the VA announced plans to rescind its decades-old policy of allowing accredited veterans service organizations to review claims decisions prior to finalization. Raoul and the coalition argue that the change will further delay benefits veterans have already earned.

“Giving veterans service organizations the opportunity to review veterans’ benefit claims before the VA makes a determination is a critical step that can ensure veterans receive benefits sooner – instead of being forced to go through the lengthy appeal process after it’s too late,” Raoul said. “At a time when our veterans are already facing uncertainty brought about by the pandemic, I am urging the VA to rethink this policy change that will leave the men and women who served our country with more questions and a longer wait to receive the benefits they have earned.”

For decades, the VA has given accredited veterans service organizations (VSOs) a 48-hour period to review claims decisions prior to the department issuing its final determination. According to the VA, review by VSOs helps identify any errors or issues that may require clarification or additional discussion prior to the claim being promulgated. But in April, the VA announced the VSO review process would be rescinded, meaning that any corrections or clarifications must be made after a final determination on a claim has been issued.

[In the letter](#), Raoul and the coalition point out that review by VSOs provides the last opportunity to identify and correct errors in claims before they become part of the official record and are used as the basis to deny or diminish benefit awards. Mistakes not caught prior to promulgation can only be rectified through a lengthy and complicated appeals process, meaning veterans must continue to wait to receive the benefits they have earned. In addition, the attorneys general argue that the VA’s decision to implement the policy change comes in the midst of the COVID-19 pandemic, as the VA, VSOs, and veterans are already struggling to follow existing VA policy. Implementing such a significant change as individuals work remotely with access to fewer resources, will further complicate and add to confusion in the VA claims process.

Additionally, Raoul and the coalition state that the VA has provided no justification for the substantial policy change and has not allowed input from VSOs or veterans. In the letter, the attorneys general urge the VA to postpone implementation of such a dramatic change in order to allow input from VSOs and veterans, and evaluate whether there are alternative solutions that do not completely eliminate a critical step in the review process.

Joining Raoul and Ravensborg in filing the comment letter are the attorneys general of Alaska, American Samoa, California, Colorado, Connecticut, Delaware, the District of Columbia, Guam, Idaho, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

Raoul's Military and Veterans Rights Bureau handles a wide variety of financial and legal concerns affecting the military and veterans, such as military employment rights, housing, consumer fraud, and scams connected with benefits provided by the VA. Military service members, veterans and their families can contact Raoul's Military and Veterans Rights Helpline for assistance at 1-800-382-3000 or 1-800-964-3013 (TTY) or through the [Attorney General's website](#).



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July 1, 2020

The Honorable Paul R. Lawrence
Under Secretary for Benefits
U.S. Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20420

RE: Rescission of the Veteran Service Officer (VSO) 48-Hour Review Policy

Dear Mr. Under Secretary:

The undersigned Attorneys General, write to express our strong concerns regarding the recent decision by the Department of Veterans Affairs (VA) to rescind its decades-old policy of allowing accredited Veteran Service Officers (VSOs) a 48-hour period to review claims decisions prior to promulgation. The VA's internal procedures manual describes the purpose of VSO review as identifying any clear errors or matters of clarification that require significant discussion, and/or correction *prior* to promulgation.¹ The process for correcting those errors *after* promulgation is often lengthy and time consuming, and typically results in an increase in otherwise unnecessary appeals being filed in an already overburdened appeals system. Such appeals invariably result in further delays in veterans receiving the benefits they have already earned.

No less troubling is the VA's decision to implement this policy change in the midst of the ongoing COVID-19 crisis, when the VA, VSOs and veterans are already struggling to execute the existing process while working from remote locations utilizing reduced resources. Implementing a policy change of this significance, right now, would only lead to more confusion and frustration in the claims process.

We urge the VA to postpone any change to this long-standing policy until the VA, VSOs and veterans can have more thorough discussions regarding the VA's reasons for the change, the implications it will have on VSOs and veterans, and whether there are alternative solutions that do not call for complete elimination of this critical quality review.

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<https://www.naag.org/>

¹ M21-1 VA Rater Handbook, Part I, Chapter 3, Section B, Paragraph 3(a) VSO Review of Rating Decisions (last visited online on May 8, 2020).

Sincerely,



Kwame Raoul
Illinois Attorney General



Kevin G. Clarkson
Alaska Attorney General



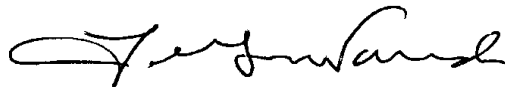
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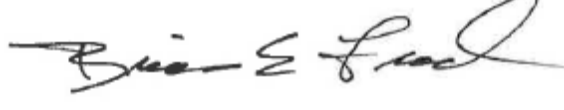
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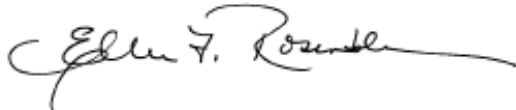
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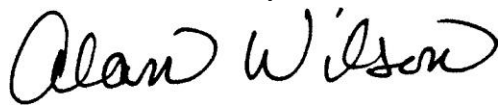
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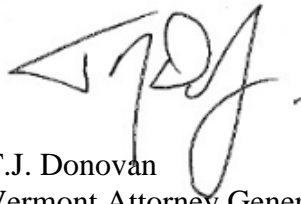
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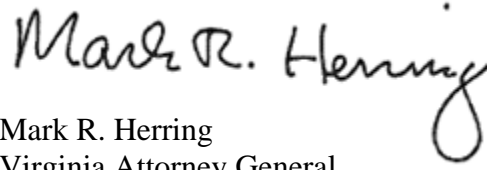
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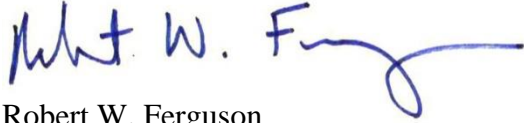
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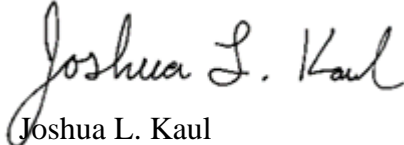
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