

Veterans' Benefits

The VFW's Concerns:

On April 24, 2020, the Department of Veterans Affairs (VA) rescinded its decades-long policy of permitting accredited service officers to review ratings decisions during the 48-hour period prior to their final approval. The 48-hour review policy was an essential feature of the VA claims process. During this review, service officers had the opportunity to review VA decisions to ensure that all claimed conditions had been addressed and properly adjudicated. After reviewing a rating decision, service officers were permitted to notify VA of any irregularities, missed conditions, typographical errors, or other mistakes before a disability rating was formally released. This process allowed for errors to be corrected without requiring veterans to seek redress in the time-consuming and oftentimes costly claims appeal process. In other words, the 48-hour review guaranteed a timelier delivery of benefits to veterans and reduced the workload of VA's appeals infrastructure.

This policy also served as an independent quality control check prior to VA's own internal review procedure. Independent quality control is a widespread and commonsense practice. The Internal Revenue Service (IRS) permits taxpayers to review the taxes they paid during the previous year and to claim a refund for any overpayment. Unlike the well-known expression "measure twice, cut once," VA is measuring once and cutting once. By not permitting service officers to review its work, any mistakes can result in a savings for VA through the nonpayment of benefits it is required to deliver under the law. VA's cancellation of the 48-hour review policy is tantamount to the theft of benefits. This is no different from the IRS dismissing tax refunds and depositing overpayments back into the treasury.

Another significant roadblock to veterans receiving appropriate disability ratings is the refusal of VA to add certain diseases to the list of conditions presumed to be associated with Agent Orange exposure. Toxic exposures during military service, including open air burn pits, have caused invisible yet grave health complications for our nation's service members, past and present. Congress has established streamlined options for certain veterans who suffer from these conditions, such as Gulf War Illness, to receive benefits. However, the current structure for recognizing the health effects of new exposures, or adding health conditions to known exposures, makes it difficult for veterans to prove that their health conditions are related to military service.

In 2018, the National Academies of Sciences, Engineering, and Medicine concluded that sufficient evidence exists to link bladder cancer, hypothyroidism, and parkinsonism to Agent Orange exposure. It is nearly impossible for veterans who are suffering from these life-threatening conditions to receive benefits. The Senate version of the *National Defense Authorization Act for Fiscal Year 2021* (NDAA) contains a provision to add these diseases to VA's Agent Orange presumptive conditions list. Accordingly, we strongly urge Congress to keep this provision in the final version of the NDAA.

The VFW's Solutions:

- Congress must pass H.R. 7443/S. 3761, *Veterans Claim Transparency Act of 2020*, which would rightfully reinstate the 48-hour review.
- Congress must keep the provision to add bladder cancer, hypothyroidism, and parkinsonism to the list of presumptive conditions associated with exposure to Agent Orange in the final version of the *National Defense Authorization Act for Fiscal Year 2021*.