

**National Association of County Veterans Service
Officers**



Statement for Record

John Kriesel, Legislative

Chairman

**S.1024: Veterans Appeals Improvement and
Modernization Act of 2017**

May 17, 2017

Testimony of
John Kriesel, Legislative Chairman
National Association of
County Veterans Service Officers

Good afternoon Chairman Isakson, Ranking Member Tester, and Members of the Committee, it is truly my honor to present this written testimony for this hearing. As Legislative Chairman of the National Association of County Veterans Service Officers, I am submitting this testimony, to give our organization's support for S. 1024, The Veterans Appeals Improvement and Modernization Act of 2017.

The National Association of County Veterans Service Officers is an organization made up of over 1,600 local government employees that advocate for veterans daily across all facets of veterans' benefits. We believe we can help the Department of Veterans Affairs reduce the number of cases in the Board of Veterans Appeals (BVA) inventory, currently standing at 469,000 appeals. As an organization, we feel this legislation is a needed step in the right direction. It is imperative that the VA and all Veteran Service Organizations work together to relieve claimants of the extreme wait times for decisions from the BVA.

There are many reasons appeals are generated out of County offices every day, it starts with VA Regional Offices failing to explain their decision in a way that makes sense to the veteran, and VA's unwillingness to work with veterans' advocates on addressing

inaccuracies in a rating decision. The reason for this is, simply, because there is no incentive for the rating authority to work with veterans or their advocates. Instead, they must meet quotas to prove efficiency and very commonly County Veteran Service Officers are instructed DRO's (Decision Review Officers) to appeal to the BVA in lieu of them correcting the decision. This practice is one of the main contributing factors for the 469,000 appeals backlog at BVA. The sweeping changes in the appeals process included in S.1024 are why NACVSO supports this legislation. Claimants in the new process will experience less waiting times, and VA Regional Office staff will receive meaningful feedback from the BVA on cases that have been remanded or overturned. For VA to work efficiently, guidance from the BVA on legal discrepancies in initial claims, must be done and within a timely fashion that offers solutions to misinterpreted regulations at the VARO level.

While we support S.1024, we feel that it is important that we address our concern with a portion of the legislation. NACVSO believes every step in the claims process is an opportunity to adjudicate the claim in the claimants' behalf. As the claim continues to mature in the process the arguments are solely based on law and legal precedence. To allow a claim back into the Regional Office within one year of a Court of Appeals for Veterans Claims (CAVC) decision would require the local staff to rule against a board of judges. In practicality, the case would not receive a fair hearing again until it returns to the BVA. Allowing the claims cycle to continue on this journey promotes for-profit attorneys to keep the case alive based on little to no merit. Allowing this will keep the appeals backlog at an unnecessarily high number. The process today, and in this proposal, needs to have finality. If the CAVC decision maintains a denial on legal grounds the attorneys representing that case need to have the wherewithal to advance the case to next higher court or simply inform

the veteran that until evidence can be discovered that would weigh heavily in the reversing the decision, the claim and effective date will expire.

As an organization, the National Association of County Veteran Service Officers support the majority of changes included in S.1024. We are proud to stand next to the Department of Veterans Affairs, fellow Veteran Service Organizations and Congress as we work toward a solution that will deliver quality and timely benefits to our veterans and their dependents.