

TX Veterans Commission Sunset Staff Analysis and Self Evaluation Review and feedback by Linda Truax, MAJ USA (Ret), DAV Member

Issue 1 :

TVC does not collect key information needed to monitor how well its programs serve veterans' needs

Current Output: Number of appeals of unfavorable VA decisions filed on behalf of veterans

Recommendations

1.4 Direct TVC to create a complaint process - Agreed.

Issue 2

Pages 15, 16 and Recommendation 2.5 page 21: *Document the Strike Force Team's processes, roles, and results*

The Special Claims Initiatives on page 15 do not match the description of the state Strike Force Team on page 16. There is no definition of this team in TVC Vets Benefits Book - Final.indd. Page 16 states *Special teams not targeted as intended. TVC's special claims teams do not target efforts on the most high-impact initiatives. The Legislature appropriates money for the Strike Force Team and Fully Developed Claims Team to expedite the most delayed claims awaiting a decision from the VA and support a VA initiative to provide faster decisions for certain straightforward, well documented claims.*⁹

There seems to be some confusion on the purpose of the SFT in this dialogue. I doubt the SFT team can affect the processing time of claim appeals. The VA determines when these appeals will be addressed, so it is incomprehensible how this can be expedited from State officials. Possibly TVC could identify the oldest claim appeals in the system and review them to determine if additional evidence should be submitted before the VA brings it up for decision. TVC states they are doing so in their self-evaluation. But the TVC should ensure they still have a current Power of Attorney (POA) and if not, consult with the agency which does have the authority to submit changes. The TVC can possibly ask the VA for those oldest cases to get special consideration. Possibly the SFT members should be slotted into vacant County Service Officer positions.

The Fully Developed Claims Team – every counselor should be a member of this team by being thoroughly trained on the requirements of meeting FDC criteria. I was trained to believe that the VA goal for completing an FDC was 6 months, not 120 days as shown on page 15. I have seen an FDC returned approved in 6 weeks.

Page 17 - *For example, the VA backlog for appeals decisions has increased sharply as the regular claims decision backlog has declined, but the Strike Force Team devotes little effort to expediting appeals.*

It is my understanding that the appeals backlog on appeals is due to an internal work force adjustment made by the VA to put priority on first time claims. If this is true it is unlikely the State can

influence the appeals processing time unless they can influence to increase the manpower in the VA Appeals department.

Page 17 Sample: *In Missouri, 58 percent of claims were fully developed in 2017.* Even this % is too low – ALL claims should be FULLY DEVELOPED to allow the VA to make a determination quickly.

Page 16 ***Findings TVC has not strategically managed the state's significant investment in claims staff.***

TVC sets targets for number of claims each office should file, but only uses this information for annual staff evaluations and not overall workload analysis. I know performance standards are needed but the number of claims requirement should be supplemented with a target time length of each visit to be no less than one hour. That is the minimum time needed to do an initial assessment, prepare a Power of Attorney (VA Form 21-22), prepare an Intent to file (VA Form 21-0966) and make a list of homework the veteran must complete to prepare a FDC. If the current performance standards don't allow for at least an hour per veteran the standards should change to allow for this hour per veteran.

Page 18 and 22 Recommendation 2.6 *TVC has not taken basic steps to modernize the customer service experience for veterans and increase overall efficiency. Limited online information to prepare for claims visits.*

It is highly unlikely a veteran will arrive for an initial consult with all the evidence needed to support a fully developed claim. It should be normal for a veteran to have more than one consult with their Service Officer. I like the idea of a checklist of paperwork online but the TVC is not totally in fault of veterans arriving unprepared. In the eBenefits claim process they provide all of the instructions which are found on the actual VA Form 21-526ez. I have found that veterans skip the instructions and go directly to the empty data fields and fill them in, often missing key points like submitting evidence. If the online forms had a block with required entry indicating the Service Office giving them advice it might get the veterans to actually call ahead and ask questions. This would require the VA to modify the existing form. I caution against replicating procedures on the TVC website as procedures can change. Referral to VA material should take priority.

Page 19 and 21 Recommendation 2.3 – **NO do not** remove the requirement for veteran county service officers be veterans or meet alternative qualifications to fulfill the *military service requirement, such as being a widowed Gold Star Mother or spouse of a disabled veteran with a total disability rating.* It is imperative for the veteran to know that they are speaking to someone who has experience in the life of a service member.

ALTERNATE SOLUTION: Recognize and USE the other accredited and certified service officers in the DAV. All of these SOs are veterans and have used the VA claim process personally. Unfortunately the TVC's Self Evaluation claims that the DAV caters to their members only. This is **not** true. We are dedicated to serving ALL injured and ill veterans. The SOs in my Chapter work as a team and I believe the same is true with other DAV Chapters. As volunteers we are devoted to service. I "tested" the TVC referral service by telephone and stated I was a veteran needing help to support a claim. The only referral I got was to the County Service Officer who worked for the TVC. No mention was made to the 7

certified officers available in the same town. I ask the TVC coordinate with the DAV Department of Texas to identify the locations of their National Service Officers (paid employees) and certified SOs (volunteers). The TVC and DAV should not be competing with each other. Service to the veterans should take priority. Our programs should be inclusive of all best practices.

Page 19 and 22 *No appointments for claims counseling*. Recommendation 2.7

Yes there should be an option for appointments for veterans living a certain mileage from the SO's office.

Issue 3 no comment.

Issue 4 *TVC Prioritizes a Costly Annual Conference Over Training Targeted to Better Meet Veterans' Needs.*

The DAV National Service officers receive 16 months of initial training and the training program is certified for college credit in legal research and writing, administrative law, litigation, introduction to paralegalism, pathophysiology and human anatomy by the American Council on Education. The Chapter Service Officers must complete 8 hours of intense training annually to maintain their certification.

Self Assessment:

VII. Guide to Agency Programs, page 27 - H. If given that the SSF and FDC "teams" are not needed then the National VSOs assistance is equal to the TVC Claims Program. In the DAV we ARE required to be familiar with claims assistance and other benefits. Possibly the DAV and TVC training programs should supplement and or integrate each other's training programs. Teams which are inclusive of others are more likely to succeed.

II. Key Functions and Performance Page 3 *An average claim can take up to 24 months for a final decision and the number of new claims filed each year continues to rise. While the VA has made progress in the reduction of backlogged initial claims, the amount of appeals has spiked in recent years. If SSF no longer performed these functions, veterans and their families may face further delays in the VA claims and appeals process.*

If a veteran uses his full time of one year to prepare his claim under an ITF, then it should be a fully developed claim and will probably be approved 6 months from submission. That is only 18 months. Many of the appeals are needed because insufficient evidence was submitted with the first claim. Give the SOs the time needed to work the claims correctly the first time.