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**STATEMENT OF
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FOR THE RECORD OF THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
APRIL 9, 2025**

Chairman Luttrell, Ranking Member McGarvey and Members of the Subcommittee:

DAV (Disabled American Veterans) is grateful to provide a statement for the record for this oversight hearing titled, "Examining VA Efforts to Decrease Delays in Veterans' Disability Compensation Claims".

DAV is a congressionally chartered and Department of Veterans Affairs (VA) accredited veterans service organization. We provide meaningful claims support free of charge to veterans, family members, caregivers and survivors.

To fulfill our service mission, DAV directly employs a corps of benefits advisors, national service officers (NSOs) and transition service officers (TSOs), all of whom are themselves wartime service-connected disabled veterans, at every VA regional office (VARO) as well as other VA facilities throughout the nation, including the Board of Veterans' Appeals (Board). During 2024, DAV filed 561,358 claims for over 1.5 million specific injuries and illnesses on behalf of thousands of veterans, resulting in more than \$30.4 billion in earned benefits for veterans and their families.

We currently provide representation for nearly 250,000 pending claims and appeals before the Veterans Benefits Administration (VBA). Based on over a century of direct experience, we are pleased to provide our insights and concerns related to the significant issue of overdevelopment within the VA claims and appeals processes. This issue directly affects the efficiency of VBA and the well-being of millions of veterans who rely on timely access to their earned benefits.

Our testimony outlines the significant problems with overdevelopment in several areas, which include feedback from our service officers; claims related to the PACT Act; military sexual trauma (MST); and disability benefits, as well as appeals under the Appeals Modernization Act (AMA) and DAV's recommendations.

Overdevelopment, characterized by redundant and unnecessary requests for additional evidence delays decision-making, creates inefficiencies and imposes undue burdens on veterans. Additionally, the implementation of the Veterans Benefits Management System (VBMS) and the National Work Queue (NWQ) have contributed to

challenges in overdevelopment despite their intended purposes of streamlining the claims process.

Examples of overdevelopment noted by our service officers illustrate the broader systemic inefficiencies within the VA that continue to hinder the timely and accurate resolution of claims and appeals. For example:

- Improper indexing of evidence in VBMS results in unnecessary efforts to develop evidence already present in the claimant's record.
- VA claims processors that initiate examinations for conditions unrelated to Toxic Exposure Risk Activity (TERA) leads to wasted resources and unnecessary processing steps for TERA claims.
- VA requests for additional examinations despite claimants providing DBQs completed by private physicians results in delaying the veteran's access to benefits.

The VA's statutorily required duty to assist is a foundational obligation that requires the agency to assist claimants in gathering relevant evidence to support their claims. Unfortunately, unclear and inconsistent communication regarding the duty to assist has contributed significantly to overdevelopment. Claimants often receive vague or redundant notifications requesting additional evidence without sufficient guidance on what is needed. This ambiguity results in repetitive submissions, unnecessary delays, and excessive evidence gathering, which burden both claimants and the VA system. Notifications intended to update claimants on claim statutes frequently lack detail, leaving claimants uncertain about next steps and prolonging the process further.

The severity of the overdevelopment problem is fully displayed in the 2024 Office of Inspector General (OIG) report titled, "Staff Incorrectly Processed Claims When Denying Veterans' Benefits for Presumptive Disabilities Under the PACT Act" (Report Number 24-00118-01), which identified critical systemic issues in PACT Act claims processing. Claims processors often requested unwarranted examinations and medical opinions, even for conditions presumptively linked to service. These unnecessary actions caused delays and incurred \$1.4 million in avoidable expenditures over six months. Underpayments totaling \$56,700 were identified for improperly denied claims, along with 870 potential errors affecting veterans' benefits. Examinations containing inadequate or conflicting information were not sent back for clarification but were prematurely used to deny claims, further exacerbating delays and appeals.

Additionally, the OIG report indicated that the VA had an overdevelopment-reduction task force and the Deputy Under Secretary for Policy and Oversight stated that overdevelopment is expensive and time-consuming and has been a known problem for years.

Another area that has been plagued with systemic inefficiencies and overdevelopment are claims dealing with MST. According to the 2021 OIG report,

"Improvements Still Needed in Processing Military Sexual Trauma Claims," (Report Number 20-0041-163), nearly half of MST-related claims denied during a six-month review were processed incorrectly. Claims processors failed to apply liberal evidentiary standards, essential for MST cases due to the difficulty of documenting such incidents. The report attributed these failures to inadequate training and oversight, which perpetuates errors and prolongs the process. Claimants submitting MST-related claims often faced redundant evidence requests and unnecessarily lengthy appeals due to mistakes in the initial claims process.

Appeals processing under the AMA has also been affected by overdevelopment. The 2023 OIG report—"VHA Faces Challenges Implementing the Appeals Modernization Act"(Report Number 22-02064-155) highlighted inefficiencies in providing guidance for higher-level reviews and supplemental claims. Claimants often encountered delays caused by inconsistent processes, inadequate tracking systems, and excessive evidence-gathering requirements. These issues undermine the AMA's intent to streamline the appeals process and result in unpredictable outcomes for veterans seeking resolution.

The VBMS has also contributed to overdevelopment. According to the GAO report titled "VA Disability Benefits: Training for Claims Processors Needs to Be Enhanced" (GAO-24-107510), VBMS faces technical limitations, including system defects and slow response times. These issues necessitate manual interventions that perpetuate redundant evidence requests and inefficiencies. Furthermore, VBMS has not fully integrated appeals capabilities, complicating claims resolution and adding to claimants' frustrations.

The NWQ, established to balance workloads across regional offices, has created additional challenges. Less experienced claims processors often request additional evidence, which leads to redundant requests and delays as processors seek clarification or additional records unnecessarily. The lack of standardized protocols across offices further exacerbates disparities in decision quality and timeliness.

Fragmented record retrieval processes also remain a significant hurdle. The NWQ and VBMS exacerbate these delays by frequently transferring claims between offices, further complicating an already disjointed system. As we have pointed out, overdevelopment is a significant problem within the claims and appeals processes.

DAV recommends the following targeted reforms:

- **Streamline the claims process:** Eliminate redundant evidence requests and enhance automated systems to track claims progress in the NWQ and VBMS.
- **Simplify forms:** Redesign VA Forms, such as 21-526EZ and 20-0996, to eliminate unnecessary sections and provide clearer instructions, ensuring veterans can submit accurate claims and appeals efficiently.

- **Enhance communication protocols:** Establish clear and consistent standards for duty-to-assist notifications, providing veterans with specific and actionable guidance on required evidence and detailing claim status updates.
- **Expand training programs:** Equip claims processors with specialized training to handle complex cases, including PACT Act claims, MST-related claims, and AMA appeals. Emphasize proper application of evidentiary standards and effective communication with veterans.
- **Standardize NWQ protocols:** Ensure claims are assigned to processors with relevant expertise to improve decision quality and consistency across regional offices.
- **Strengthen compensation and pension examination protocols:** Minimize errors by enforcing comprehensive evaluations and implementing peer reviews of examination reports for accuracy and accountability.
- **Streamline record retrieval:** Collaborate with the Department of Defense to create a centralized, efficient system for accessing veterans' medical and personnel records. Efforts should also focus on simplifying processes for obtaining private medical records.

Systemic reforms are essential to eliminate the barriers imposed by overdevelopment and ensure the VA fulfills its obligation to serve those who have served. DAV urges Congress to enact these critical reforms, empowering the VA to provide timely and equitable benefits for all veterans.

As an accredited veterans service organization, DAV remains steadfast in its commitment to advocating for the fair and timely resolution of claims and appeals. Our cost-free advocacy empowers millions of veterans and their families to navigate the complexities of the VA system.

Mr. Chairman, this concludes DAV's statement for the record.