



ISSUE BRIEF: COMPREHENSIVE CAREGIVER SUPPORT

The Situation

- To recognize and assist family caregivers who play a critical role in caring for and supporting veterans severely injured in the line of duty, the Department of Veterans Affairs' (VA) Program of Comprehensive Assistance for Family Caregivers (PCAFC) provides caregiver assistance, including access to health coverage, respite care to avoid caregiver burnout, caregiver training, modest stipends to offset the financial impact of caregiving, and other forms of support.
- The MISSION Act of 2018 (Public Law 115-182) expanded access to PCAFC to family caregivers of veterans severely injured before September 11, 2001.
- The VA opted to include service-connected illness and injury in their final regulations for eligibility for PFCAC in line with DAV's recommendation. However, ongoing delays in implementing the IT system required to administer the program meant the first phase of veterans (those injured or made ill prior to May 7, 1975) were not made eligible until October 1, 2020—one full year later than planned.
- In April 2021, the Court of Appeals for Veterans Claims in *Beaudette v. McDonough* ruled that the VA must provide every veteran and caregiver who ever applied for PCAFC benefits the right to appeal unfavorable decisions to the Board.
- In September 2021, the VA agreed to implement the *Beaudette* decision, notwithstanding that the administration later petitioned the Court to overturn *Beaudette*. Although veterans and caregivers may now file formal appeals, the VA has yet to establish an open, transparent and effective system for processing these appeals.
- In March 2022, the VA announced it is extending the time that legacy participants, legacy applicants and their family caregivers within the PCAFC will remain eligible for the program. This will include all services, supports and benefits for another three full years, until September 30, 2025.

The Challenge

- Although veterans and caregivers may now file appeals, the VA has yet to establish an open, transparent and effective system for processing these appeals.
- VSOs that are accredited by the VA to represent veterans during the appeals process, such as DAV, have not yet been given access to the complete records of veterans we represent, hindering our ability to properly support their appeals for caregiver benefits.
- The VA indicates that a three-year extension is necessary to complete remaining reassessment and repeat reassessments. Therefore, the VA needs to work diligently to ensure new rules/regulations and approaches to maximize net benefits (including potential economic,

environment, public health and safety effects and other advantages, distributive affects and equity).

The Solution

- We urge Congress to continue working with the VA, DAV and other VSOs supporting caregivers to ensure that this invaluable program has the proper rules and resources to meet our nation's obligations to veterans' family caregivers.
- Congress should enact legislation and the VA promulgate regulations to create more consistent, transparent, and equitable eligibility criteria and reassessment rules for the PCAFC.
- Congress should enact legislation to appropriately grandfather eligibility for veterans in the program before enactment of any new eligibility regulations and guarantee the continuation of full due process, notification, and appeal rights provided by the *Beaudette* decision and the AMA legislation.
- We urge Congress to continue aggressive oversight on this issue to ensure that the VA meets its full legal mandate to provide veterans and caregivers full judicial review rights as ordered by the Court.