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**STATEMENT OF
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**COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
January 14, 2026**

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

On behalf of DAV (Disabled American Veterans) and our nearly 1 million members, I am pleased to offer this statement outlining our views of the Department of Veterans Affairs (VA) disability compensation schedule of rating disabilities (VASRD) and how well it fulfills the purposes for which it was created. As you know, DAV is a congressionally chartered, VA-accredited, nonprofit veterans service organization (VSO) with nearly a million members, all of whom are wartime service-disabled veterans. We are dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity.

To fulfill DAV's service mission assisting veterans, their families, caregivers and survivors seeking benefits earned as a result of their military service, we have over 4,200 chapter, department, transition and national service officers (NSO) nationwide; including DAV accredited county veterans service officers. Today there are over 1.1 million veterans and their survivors who have chosen DAV to be their representative before the VA and last year we helped them file over 560,000 claims for benefits to the Veterans Benefits Administration (VBA), taking over 3.1 million actions to support them. This assistance, like all of DAV's charitable services, was provided at no charge to veterans and their families, and DAV receives no compensation of any kind from the government for providing these services. Our comments are informed by the collective experience and expertise of our benefits experts.

The Subcommittee's hearing comes in the wake of a series of outrageously misleading and highly inaccurate stories that *The Washington Post* published last fall. Frankly, DAV was shocked and disgusted to read the *Post* stories and deeply disappointed with certain so-called veterans advocates who have been repeating and amplifying these falsehoods. To assess how well the VASRD has served and can continue to serve as an instrument to provide justice and compensation to veterans injured, disabled, and made ill from their service, it is necessary to first debunk several myths about VA disability compensation.

For example, the *Post* alleged that disabled veterans are "swamping" the VA with "false", "fraudulent" and "dubious" disability claims for injuries and illnesses because the *Post* considers them illegitimate. Nothing could be farther from the truth. According to the VA Office of Inspector General, there have been fewer than 200 fraud convictions annually in recent years. With VBA processing almost 3 million claims in the most recent fiscal year, that equates to a fraud rate of less than 1/100th of 1%. To justify their conclusion that VA is "swamped" with illegitimate claims, the *Post* argued that common claims for conditions such as depression, PTSD, hypertension,

diabetes, eczema, tinnitus, and pain were “*dubious*” and “*exaggeration*”. With veteran suicide still slowly rising, it is outrageous to assert that depression and PTSD are not real disabilities, just as it is absurd to argue that hypertension and diabetes are exaggerations. Moreover, severe eczema, tinnitus and pain can be highly disruptive and disabling to a veterans life.

The *Post* also advanced the myth that “*Congress and VA have made it easier to cheat and take advantage of the system,*” referring to the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022 (P.L. 117-168) and the Veterans Appeals Improvement and Modernization Act (AMA) (P.L. 115-55). These landmark laws were expressly designed by Congress to make it easier for veterans to receive earned benefits because millions of them have faced unnecessary obstacles that delayed or too often denied their legitimate claims for benefits. It is a gross mischaracterization to imply that these laws made it easier for criminal veterans to steal taxpayer dollars, rather than recognize how the laws have fundamentally improved the ability of millions of veterans to receive long overdue justice and compensation.

Another misunderstanding the *Post* and others continue to promote is that VA disability compensation should only go to veterans unable to work. According to the *Post* story, “*The current [VA] disability program was designed 80 years ago to provide a safety net for unemployable [emphasis added] veterans wounded or injured during World War II.*” That statement demonstrates ignorance about the history and purpose of VA’s disability compensation system, how it has evolved over the years, and how it operates today. It is important to recognize that the VA disability compensation system is fundamentally different than Social Security Disability Insurance and workmen’s compensation programs that are only concerned with a person’s ability to work. This is because military service is a uniquely dangerous type of work for the men and women who wear the uniform. Further, unlike other hazardous occupations, service members are not able to quit their jobs whenever they choose, since they are under orders. They are also not able to sue the federal government if they are injured, regardless of the circumstances, due to the Feres Doctrine¹.

The VA disability compensation was not created only to assist “*unemployable*”, veterans, nor was it designed to compensate for veterans’ lost earnings, a common misunderstanding. Instead, beginning after World War I, Congress created and over the course of many years evolved a system centered on providing compensation to disabled veterans based on “...*the average impairments in earnings capacity...*”, a legal phrase that may sound like economic loss, but in reality, measures functional loss. Under this standard, a blind or paralyzed veteran who through perseverance is able to overcome their disabilities and work is still recognized as having suffered a loss of functional capacity and deserving of compensation. The fact that they have been able to overcome their disability does not alleviate our nation’s obligation to compensate them for the price they paid and will continue to pay for the rest of their lives.

For these reasons, VA disability compensation uses an “average person” standard rather than an “individual” one that would require VA to evaluate the unique characteristics and circumstances of each of the millions of veterans who are wounded, injured, or made ill in service. Creating such a system based on each individual veteran’s actual loss of earnings would not only be impractical – since most service members leaving the military have never had a full-time civilian job – but would also be dramatically more complicated, time-consuming, and expensive to implement. What this also means in practice is that disabled veterans are strongly

¹ Feres v. United States, 340 U.S. 135 (1950)

incentivized to seek meaningful work since doing so will not result in a reduction in their disability compensation.

In fact, this is one of the most important but often overlooked strengths of the current VA disability compensation system: disabled veterans are incentivized to continually improve their health and well-being in order to pursue meaningful employment and entrepreneurship. The *Post* apparently believes that even severely disabled veterans – those who have lost limbs, are blind or paralyzed – only merit disability compensation when they are unable to work. This view fails to recognize all the time and effort it may take for these men and women to overcome such disabilities, the impact on the families and the other parts of their lives, including how it often shortens their lives. Providing disability compensation is just one way that our government helps to keep the promise to the men and women who served.

Another common myth is the false belief that VA's disability rating system, and specifically the VASRD, has not been updated or modernized since 1945. While there was a major overhaul of the rating schedule following World War II, particularly to add new psychological conditions, there have been literally hundreds of changes and updates to the VASRD since then, as can be seen in the Code of Federal Regulations (CFR) Appendix A to Subpart B of Part 4. More recently, since September 2017, VA has comprehensively reviewed and updated the rating schedule for at least eight of the 15 body systems, and is actively working on the others.

Mr. Chairman, almost two decades ago, after Congress created the Veterans Disability Benefits Commission to explore whether major changes were needed to VA's benefit programs, one of my DAV predecessors testified that the disability compensation system was:

*"...fundamentally sound and the most practical approach to the complex task of fairly compensating a large number of veterans for whom the effect of disability is as diverse as the demographic and socioeconomic characteristics of the members of the military force and the citizens of our nation from which those members come."*²

This statement echoes a famous quote attributed to Winston Churchill, who observed that, "*democracy is the worst form of government except for all those other forms that have been tried...*" While the VA rating system and the VASRD is not perfect, DAV continues to believe that is the most effective and efficient way to fairly and equitably compensate veterans for the disabilities, injuries, and illnesses they have suffered in service to the nation.

We also believe that some of the questions being raised about whether the VA disability compensation system is properly structured are the result of persistent problems with the claims processing system. If veterans were able to receive fast, accurate, and transparent decisions on their claims for benefits, confidence in the system could be significantly improved. To help accomplish that, DAV offers the following recommendations to make the claims processing system work better for veterans.

- **Allow veterans to file claims by phone**

VA allows a veteran to submit an Intent to File (ITF) form by phone, but not a formal claim, such as for an increased evaluation or secondary condition. We believe a veteran

² Testimony of Rick Surratt, DAV Deputy National Legislative Director, before the Committee on Medical Evaluation of Veterans for Disability Compensation of the Institute of Medicine, July 7, 2006.

should be able to contact the VA by phone and file a claim for any condition at any time, just as they can for an ITF.

- **Amend VA's policy on incorrect forms**

Currently, the VA treats claims filed on an incorrect form merely as a request for a claims application, which can result in a veteran receiving a delayed effective date and potential loss of tens of thousands of dollars in benefits. To remedy this situation, VA should accept any filing made by a veteran for benefits as a clear statement of the veteran's "intent to file" a claim and protect that effective date.

- **Allow veterans to certify their symptom statements during examinations**

When veterans receive VA disability examinations, they are often required to describe symptoms of conditions they are claiming to be used in making a rating decision. However, when they receive their claims decisions, many times the symptoms they reported during the exam are different from what was recorded by the examiner. To alleviate this problem, VA should add a step in the exam process that allows veterans to review and certify that the symptoms they reported have been accurately recorded.

- **Strengthen presumptive decision-making processes for toxic exposure claims**

Presumptive service connection is used to improve the process and outcomes for veterans filing benefit claims related primarily to military toxic exposures and environmental hazards. The historic PACT Act created new presumptives for burn pits and other airborne hazards, however, it did not cover all affected veterans and all toxic substances. The DAV and MOAA report, *Ending the Wait for Toxic-Exposed Veterans*, includes a number of recommendations to build on the PACT Act and create a more effective presumptive decision-making process to improve the accuracy and timeliness of toxic-exposed veterans claims for disability compensation.

- **Optimize the use of technology, particularly AI**

In order to improve both productivity and accuracy, VBA must continue to maximize and optimize the use of advanced technology, including artificial intelligence (AI), which can significantly increase processing speed and reduce errors. However, its application must be carefully implemented and continuously monitored to ensure essential expertise and decision-making authority is retained by human employees.

- **Ensure VA has the resources to improve accuracy and timeliness of claims**

Due to the enactment of the PACT Act in August 2022, along with expanded outreach efforts to veterans in crisis or at risk of suicide, VBA has seen a tremendous influx of new benefit claims and a larger claims backlog. Thanks to staffing increases in 2023 and 2024, the rising backlog was stemmed early in 2025 and has since declined. However, we urge the Committee to closely monitor staffing levels at VBA, and particularly VA's 30,000 FTE force reduction last year, to ensure there are adequate resources to process veterans claims quickly and accurately.

Mr. Chairman, we appreciate the Committee's interest in reviewing the VA rating schedule and how well it serves disabled veterans. While it is not perfect, we believe it is a proven and reliable methodology to fairly compensate the men and women who have served, suffered, and sacrificed for the country. We look forward to working with the Committee and VA to continually review, and when appropriate, update the VASRD and other aspects of VA's disability compensation to keep the promise to the men and women who served.

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