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Service Bulletin

April 2013

DEPARTMENT OF VETERANS AFFAIRS (VA)

<http://www.va.gov/>

VA Initiative Expediting Decisions Oldest Claims

VA announced April 19, 2013 it is implementing an initiative to expedite compensation claims decisions for veterans who have waited one year or longer. Claims raters will make provisional decisions on the oldest claims in inventory. Veterans will be able to submit additional evidence for consideration a full year after the provisional rating, before VA issues a final decision.

Provisional decisions will be based on all evidence provided to date by the veteran or obtained on their behalf by VA. If a VA medical examination is needed to decide the claim, it will be ordered and expedited.

If any increase is determined to be warranted based on the additional evidence received, benefits will be retroactive to the date the claim was initially filed. The initiative protects the veteran's right to appeal the decision. If no further evidence is received within that year, VA will inform the veteran that their rating is final and provide information on the standard appeals process, which can be found at <http://www.bva.va.gov/>

Throughout this initiative, VA will continue to prioritize claims for homeless veterans and those claiming financial hardship, the terminally ill, former Prisoners of War, Medal of Honor recipients, and veterans filing Fully Developed Claims. More information about filing Fully Developed Claims is available at: <http://www.benefits.va.gov/transformation/fastclaims/>

Claims for Wounded Warriors separating from the military for medical reasons will continue to be handled separately and on a priority basis with the Department of Defense through the Integrated Disability Evaluation System (IDES). Military

personnel separating through IDES currently receive VA compensation benefits in an average of 61 days following their separation from service.

As a result of this initiative, metrics used to track benefits claims will experience significant fluctuations. The focus on processing the oldest claims will cause the overall measure of the average length of time to complete a claim, currently 286 days, to rise in the near term because of the number of old claims that will be completed. Over time, as the backlog of oldest claims is cleared and more of the incoming claims are processed electronically through the new paperless processing system, VA's average time to complete claims should improve.

New Automation Process Cuts Post-9/11 GI Bill Claims Processing Times

<http://www.gibill.va.gov/>

As part of the ongoing transformation from paper-based to electronic claims processing, VA has improved the automated payment of benefits for veterans participating in the Post-9/11 GI Bill education program. As a result, VA is now providing benefit payments to currently enrolled students in an average of six days – cutting by more than half the processing time experienced during the spring enrollment period last year.

This enhancement to VA's automated processing system, called the Long Term Solution (LTS), uses approximately 80 business rules to support end-to-end automation of Post-9/11 GI Bill claims, ensuring accurate payments without the need for manual handling.

During the month of February, 2013, 46 percent of incoming documents (over 115,000) for enrolled students were fully automated, and an additional 33 percent were partially automated. For enrolled students starting a new semester of classes, processing is taking an average of six days to complete. For new students using the benefit for the first time, the average time to establish their eligibility under the Post-9/11 GI Bill is around 24 days. The rules-based processing approach LTS uses is being built into VA's technology for VA's paperless disability claims processing—the Veterans Benefits Management System (VBMS).

Reduction of Verification Denials of Veteran-Owned Small Businesses

www.VetBiz.gov

To speed eligibility determinations of Veteran-owned small businesses for “Veterans First” contracts, VA will allow applicants the opportunity to correct minor deficiencies before an initial denial is issued. Starting May 1, VA will begin providing preliminary findings to applicants before completing a comprehensive review of their submissions. This is expected to greatly reduce the number of VA's initial denials and subsequent requests for reconsideration from companies.

Firms that would be denied based on easily corrected issues will receive a preliminary finding before a determination letter of eligibility is issued. They will have 48 hours to respond with their intent to correct and resubmit the documents within a specified timeframe. All Veteran-owned companies receiving preliminary findings will be encouraged to work with verification-assistance counselors to address identified issues that might result in denial.

The VA Center for Veterans Enterprise has initiated a series of limited pilots to exercise and refine this new process for applying for verification as a veteran-owned small business. The program is aimed at eliminating a large percentage of verification denials that are due to single points of failure. As VA has improved the program and processes, the average time to initial determination has been reduced from more than 130 days during the summer of 2011 to an average of 46 days for those applications completed last month.

The next generation Verification Case Management System (VCMS) is currently under development, with an estimated contract award for a new system in May 2013. This will be a phased program with initial operational capability expected in October 2013.

DEPARTMENT OF LABOR (DOL)

Grants Provide Job Training and Employment for Homeless Veterans

DOL has announced the availability of up to \$5 million to fund 16 or more Homeless Veterans Reintegration Program (HVRP) grants. Approximately 2,600 veterans will receive job training and related services to help them succeed in civilian careers. HVRP is the only federal program that focuses exclusively on the employment of homeless veterans.

Funds for the grants will be awarded on a competitive basis to state and local workforce investment boards, public agencies, nonprofit organizations, tribal governments, and faith-based and community organizations. Because these groups are closely connected with their local economies and the needs of homeless veterans, they can offer occupational, classroom and on-the-job training, as well as job search and placement assistance, including follow-up services. Awards will range from \$100,000 to \$300,000 each.

The solicitation for grant applications is available at <http://www.grants.gov>. For information, visit that site and <http://www.dol.gov/vets/>.

My Next Move for Veterans
www.MyNextMove.org/vets)

On this new DOL web site, veterans can access a simple and quick search engine where they enter their prior military experience (branch of service and military occupation code or title) and link to the information they need to explore information on civilian careers and related training, including information they can use to write resumes that highlight related civilian skills.

My Next Move for Veterans also contains a link to an online assessment, the O*NET Interest Profiler, which provides results comparable to the Strong Interest Inventory being used in the new Transition Assistance Program (TAP). Veterans who have not received an interest assessment as part of TAP can access and take this interest assessment online from a link in the lower right-hand corner of My Next Move for Veterans or directly at: <http://www.mynextmove.org/explore/ip>.

DEPARTMENT OF DEFENSE (DOD)

DOD Updates Sexual Assault Policies and Procedures
<http://www.sapr.mil/>

On March 28, 2013 DOD's Sexual Assault Prevention and Response (SAPR) office released updated policies and procedures aimed at combating sexual assaults in the military and improving care for victims. Officials said the updated policies and procedures provide a framework that improves safety for sexual assault victims, standardizes victim-assistance services across the force, enhances prevention efforts and provides victims added confidence to come forward to report assaults and seek treatment.

The updated SAPR policies incorporate expedited transfers for victims, establish a hotline for crisis intervention, and require additional training as well as new, uniform standards for care givers. A primary goal of the new policies and procedures is to encourage sexual assault victims to have confidence in the system and to come forward and report crimes.

AMERICAN COUNCIL ON EDUCATION (ACE)

ACE Enhances Online Military Guide to Credit Recommendations
<http://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx>

ACE's online Military Guide has a revamped search function and an updated look, making it easier to locate and review the thousands of courses the Council has

evaluated and recommended for college credit since 1954. The Military Guide is the sole source of information for all military courses and occupations evaluated by ACE, which makes credit recommendations based on reviews conducted by college and university faculty members actively teaching in the areas under consideration.

The Military Guide can be used by service members, veterans, institutions and employers to locate the military courses and occupations ACE has recommended for college credit. Searches for military courses and occupations from a service member's or veteran's transcript uses a course's ACE identification number, found on the military transcripts that each branch of the service issues. But two other search functions can be used to search for courses or occupations if the ACE identification number is not known. The site also features a Frequently Asked Questions section to help service members, veterans, higher education institutions and civilian employers find useful information.

U.S. COURT OF APPEALS, FEDERAL CIRCUIT

Viegas v Shinseki, 705 F.3d 1374 (Fed. Cir. 2013)

<http://www.ca9.uscourts.gov/images/stories/opinions-orders/2012-7075.opinion.1-29-2013.1.pdf>

Pursuant to section 38 U.S.C. § 1151, a veteran who sustains a “qualifying additional disability” as a result of VA medical treatment or hospital care is entitled to benefits “in the same manner as if such additional disability . . . were service-connected.” 38 U.S.C. § 1151(a); see *Roberson v. Shinseki*, 607 F.3d 809, 813 (Fed. Cir. 2010).

Section 1151 delineates three prerequisites for obtaining disability compensation. First, a claimant must incur a “qualifying additional disability” that was not the result of his own “willful misconduct.” Second, that disability must have been “caused by hospital care, medical or surgical treatment, or examination furnished the veteran” by the VA or in a VA facility. Finally, the “proximate cause” of the veteran’s disability must be “carelessness, negligence, lack of proper skill, error in judgment, or similar instance of fault on the part of the [VA],” or “an event not reasonably foreseeable.”

The Federal Circuit Court ruled in *Viegas* that the statute 38 U.S.C. § 1151 is framed disjunctively, stating that a disability must be “caused by” hospital care or medical treatment that is provided to a veteran “*either* by a [VA] employee *or* in a [VA] facility.” 38 U.S.C. § 1151(a)(1) (emphases added). In other words, the causation element is satisfied not only when an injury is directly caused by the actions of VA employees, but also when that injury occurs “in a [VA] facility” as a result of the VA’s negligence. By use of the disjunctive, Congress intended to encompass not simply the actual care provided by VA medical personnel, but also treatment related incidents that occur in the physical premises controlled and maintained by the VA.

The Court ruled that Viegas' injury was not a "remote consequence" of the treatment he received at the VA's Medical Center, but instead occurred because the VA failed to properly install and maintain the equipment necessary for the provision of his medical care. The case was reversed and remanded.

DAV National Service Department Program Updates

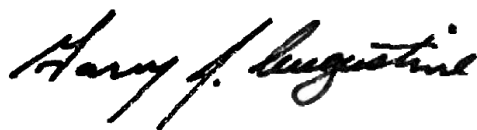
<http://www.dav.org/veterans/>

- **DSO/CSO Certification Program:**
 - Total number of certifications and re-certifications in 2013: 438
 - Total number of Departments involved: 7

- **Transition Service Program (TSP)**
 - Total number of 2013 TSP participants: 18,120
 - Applications filed: 5,225
 - Total TSO staffing: 34

- **Mobile Service Office (MSO) Program:**
 - Total number of claims filed: 320
 - Total number of Powers of Attorney executed: 124
 - Total number of interviews: 406
 - Total memberships: 20
 - Total miles driven: 2,883

- **Service Seminar Program:**
 - Total number of 2013 Service Seminars: 7
 - Total number of persons attending: 1,114
 - Total number of interviews: 216
 - Total number of claims filed: 85
 - Total number of new members: 4



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