

# **“Lost in Translation: How VA’s Disability Claims and Appeals Letters Should be Simplified”**

Mar 20, 2024

Statement of

Michael S. Figlioli, Director  
National Veterans Service  
Veterans of Foreign Wars of the United States

Before the

United States House of Representatives  
Committee on Veterans’ Affairs  
Subcommittee on Disability Assistance and Memorial Affairs

With Respect To

“Lost in Translation: How VA’s Disability Claims and Appeals Letters  
Should be Simplified”

Washington, D.C.

Chairman Luttrell, Ranking member Pappas, and members of the subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to provide our remarks on this important issue.

The VFW thanks the Chairman and subcommittee for holding this hearing regarding notification letters from the Department of Veterans Affairs (VA). Since working in this field since 2008, I can confirm that the letters veterans receive from VA continue to require time and attention at nearly every step of the process. While VA has worked to address this issue and some improvements have been made, much remains to be done.

For veterans who have served their country with honor and sacrifice, the transition to

## **NATIONAL HEADQUARTERS**

406 W. 34th Street  
Kansas City, MO 64111  
Office 816.756.3390  
Fax 816.968.1157

## **WASHINGTON OFFICE**

200 Maryland Ave., N.E.  
Washington, D.C. 20002  
Office 202.543.2239  
Fax 202.543.6719

info@vfw.org  
www.vfw.org

civilian life can be challenging, especially when dealing with the intricacies of the VA disability system. The cornerstone of this system is the VA disability notification letter, which is a document intended to communicate crucial information about a veteran's disability rating and associated benefits. However, the complexity of these letters often makes it difficult for the veteran to comprehend the disability status details and implications.

Even before the implementation of Public Law 115-55, commonly referred to as the Appeals Modernization Act (AMA), the VFW and the Veterans Service Organizations (VSO) community advocated for the simplification of decision notices from VA. We supported the implementation of AMA and its directive to improve notification letters to veterans on seven specific pieces of information in each letter. Each must include the issues adjudicated; a summary of the evidence considered; applicable laws related to the claim; any review options; how to obtain the evidence used in making the decision; the criteria to grant service connection or the next higher level of service connection; and, if the claim was denied, the elements needed to grant the claim and a listing of favorable findings.

Even with our input, VA notification letters from the Veterans Benefits Administration (VBA) or the Board of Veterans' Appeals (BVA) continue to be notorious for their complexity and legalese. The average veteran still needs to consult an accredited representative, attorney, or other trained individual to help decipher them.

To its credit, VA does understand the complexity of these letters and the angst they can induce, and has consulted with the VSO community to help make them more understandable. We have been asked to participate in focus groups on letters related to military sexual trauma, Veteran Readiness and Employment, Reserve Drill Pay, and Blue Water Navy benefits, among others. When common and easily comprehensible language is used, the VFW found that this resulted in decreased time needed to manage expectations and a reduction in potential appeals.

Past administrations have also had concerns about the difficulty veterans encounter comprehending letters from VA. A previous VBA Under Secretary convened a small working group of stakeholders to review and mark up letters to veterans. This was well received and resulted in a handful of VA letters being revamped with positive results. The VFW encourages VA to consider re-establishing that office or developing a similar process for all correspondence in the future regardless of who is in leadership.

## **Veterans Benefits Administration**

One of the primary challenges veterans encounter when reviewing their disability notification letters is the intricate language and terminology used. Legal jargon and medical terms can be overwhelming, especially for those without a background in law or medicine.

This complexity often leads to confusion and frustration, hindering veterans from grasping the full scope of their benefits and entitlements.

Far too often, accredited representatives spend a great deal of time explaining letters that make sense to the trained eye, but not to anyone else. The VA disability system involves a multitude of regulations, policies, and procedures. Unfortunately, these guidelines can be subject to interpretation, resulting in inconsistencies in notification letters. Veterans often find it challenging to reconcile the information presented with their own experiences, leading to uncertainty about the accuracy of the provided details.

Understanding the full spectrum of benefits associated with a disability rating is another hurdle for veterans. The notification letter may mention various forms of compensation, health care coverage, and vocational rehabilitation, but veterans may struggle to connect these pieces of information and effectively access the services to which they are entitled. This lack of clarity can impede veterans' ability to make informed decisions about their health care and overall well-being.

Dealing with disabilities and the associated bureaucratic processes can take a toll on veterans' mental health. The stress of navigating complex paperwork and the fear of being misunderstood or overlooked can contribute to anxiety and depression. As a result, the emotional impact further complicates the already challenging task of comprehending the intricate details of a disability notification letter.

Many of the concerns that we have to address are common in nature. VA relies heavily on the use of letter-generating technology. This does make it easier for a reviewers to click a box or cut and paste from a previous decision to create boilerplate letters. While there are key components that decision letters must contain, certain circumstances allow a free text option. Under proper supervision, decision makers should be allowed better opportunity to explain parts of these letters that are known sticking points.

A few years ago, the Debt Management Center (DMC) attended one of our national training sessions. They brought with them two poster mockups of letters they were developing to send to veterans. Aside from speaking to the class about DMC and its initiatives, they asked every student to review the posters and offer input as to ease of understanding, clarity, and content. The end result was a beneficial collaboration that made the mystery of VA debt collection much less stressful for recipients.

Recently, we represented a claimant from Texas who filed a claim for post-traumatic stress disorder, and other issues. Our representative submitted a complete claim package to VA. It contained every element required to obtain a grant. VA simply needed to establish the claim, review it, and send it for adjudication. After acknowledging receipt and generating a letter to

the veteran stating it had the claim, VA included a blank application for benefits (that had actually already been completed in full). This led the veteran to believe there was something wrong with the submission, so the veteran completed another application. This claim was dormant for an extra 135 needless days for a substantially complete application that was already in VA's possession.

VSOs have expressed concern about the standardization of forms. We have seen hundreds of examples where VA will update a required form. For many VSOs that use claims management systems, these changes need to be updated in their platforms. The Office of Field Operations will inform all VA Regional Offices that there is an "end date" to using the former version. Countless veterans have received notification letters from VA that they received the claim but cannot take action because the wrong form was used. Veteran after veteran has had this happen because there is a lack of communication and training. This often leaves the organization that assisted with the submission to explain to the veteran that the error is not on the part of the accredited representative but is with the VA system, and to ignore the letter.

Our representatives also face the challenge of what is uploaded into the Veterans Benefits Management System by VA. Labeling conventions are completely inconsistent. What one claims assistant labels a piece of evidence as "general correspondence" is then in turn labeled as "medical evidence" by another. This has caused delays because VA will send the veteran another development letter asking for that same specific evidence which was already submitted. Our field staff spends a great deal of time trying to filter through claims files so they can try to find the submission or any related VA correspondence.

For denied claims, the VFW maintains that it would be more beneficial to the claimant if the items that are missing were better identified within the notification letter rather than having to search through paragraph after paragraph of federal code. This would enable quicker filing of a potential supplemental claim or higher-level review and get benefits to the claimant sooner.

## **Board of Veterans' Appeals**

The AMA was the most collaborative process I have ever seen between VSOs and VA. However, implementation often is where good intentions do not follow. Like VBA, the Board also has its challenges with decision notices and explanations that can be too long and unclear. Letters received by appellants are redundant in nature, generic in scope, and missing critical information specific to the appeal. Veterans prefer to be told the status of their appeals and what, if any, options they may have in clear, simple language. Open-ended communication creates confusion and speculation.

Sending repeated update letters can be frustrating and misleading for veterans. The appellant believes that the case is being reviewed when in actuality it is in a queue for its docket date. The VFW believes that these notifications should better inform the appellant as to the current status and progression of the appeal. If any additional evidence is needed, these letters should clearly address that so when the appeal is before a Veterans Law Judge it has the best chance of being decided as quickly as possible.

BVA notification letters will repeatedly include references to correspondence already received. The VFW regularly hears from veterans we represent that the letter contains an additional twenty or more pages of information which are just explanations. There is even more if the letter contains a decision. Aside from the endless paragraphs of VA-related jargon and federal code, the notification still might not explain exactly why it was sent and what is needed.

An additional challenge is effectively communicating due dates. The veteran that is receiving assistance with an appeal typically has any critical dates explained by the accredited representative. If a veteran feels overwhelmed and irritated when reading one of these letters, and does not read it completely, the appeal may be dropped due to BVA not receiving a response. This is a higher probability with an unrepresented veteran who is likely confused by the entire process. VA should consider putting the due date of any correspondence at the beginning of the letter so the risk of the appeal being closed out is less of a possibility.

## **Conclusion**

Nearly every time I have sat before Congress or submitted testimony, I have mentioned training and quality assurance. There has been substantial loss of institutional knowledge as a large part of the VA workforce ages out of the system. The VFW is pleased to see the influx of younger talent, mostly comprised of veterans who have the same or similar experiences as that of the claimant, and who can apply logic and common sense to reviewing a case. With the implementation of the PACT Act, the VFW thanks the Under Secretary for allowing quality errors to be less punitive in an employee's development. These are good learning opportunities for some Veterans Service Representatives/Rating Veterans Service Representatives, but errors are still punitive to veterans who are waiting for benefits to improve their quality of life. Simplifying letters in terms that the average veteran can understand would have immediate and considerable impact on adjudicating claims.

The VFW urges VA to continue to reach out and seek stakeholder input in developing letters or any other correspondence that may be sent to a veteran that will impact benefits. It has been stated countless times that we are partners in this process. The VFW is always willing to lend our assistance in making the claims process more seamless and accessible for all veterans, family members, and survivors. We are committed to working with VA across all

departments and business lines to continue to develop notifications with a commonsense approach. VA has shown a willingness to do so as well, but not consistently. Let us make this a continued effort at all levels that will lead to better outcomes for veterans.

We thank you for the opportunity to appear before this subcommittee today, and I am happy to answer any questions you may have.

#### Information Required by Rule XI2(g)(4) of the House of Representatives

Pursuant to Rule XI2(g)(4) of the House of Representatives, the VFW has not received any federal grants in Fiscal Year 2024, nor has it received any federal grants in the two previous Fiscal Years.

The VFW has not received payments or contracts from any foreign governments in the current year or preceding two calendar years.