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## Veterans deserve better

**Despite misconduct and disorganization, claims should be promptly and properly processed December 4, 2008 by RACHEL NATELSON. Rachel Natelson is director of the Veterans and Servicemembers Project at the Urban Justice Center, which provides legal services for current and former members of the U.S. military. /**

At first glance, the reports of document shredding and consequent dismissal of the director and five top managers from the [New York](#) regional office of the U.S. Department of Veterans Affairs might appear to be simply one more instance of misconduct in an ever-expanding web of agency

misdeeds. The shake-up at the New York regional office, however, speaks volumes about some of the most intractable, systemic problems plaguing the VA benefits process.

As Rick Weidman, executive director for government affairs of [Vietnam](#)

Veterans of America, indicated during a House Veterans Affairs Committee

hearing last month, document shredding, whether in New York or elsewhere, is merely one illustration of a far broader lack of institutional integrity at the VA. Without addressing the underlying question of how this institutional culture might motivate and reward such individual misdeeds, neither [Congress](#) nor the agency itself will be in a position to effect real change.

Why might VA personnel find incentive in destroying, misplacing or simply ignoring claims documents?

To begin, the VA claims application process is a uniquely time-consuming



one, hobbled by requirements that exist at neither the Social Security Administration nor private insurance companies. Driven by a staunch presumption that veterans' claims are fraudulent, the VA requires all applicants to prove by documentary evidence not only that they are disabled but also that their disabilities stem directly from military service.

This system is as labor-intensive for reviewers as for claimants themselves. Nationwide, the VA's backlog now numbers over 900,000 claims. According to the VA, one-third of claims at the New York regional office take six months or longer to process. This figure, however, takes into account both disability and pension claims, the latter of which can be completed in under an hour. Without the counterbalance offered by pension claims, the VA's figure falls far short of the actual wait time for disability claims, which often exceeds one year.

The claims process is especially protracted for veterans with psychological wounds. Deeming post-traumatic stress disorder symptoms "relatively easy to fabricate," the VA Clinician's Guide directs examiners to base the validity of claims on elaborate documentation from family and friends about veterans' changes pre- to post-service, which can be difficult and time-consuming to procure - especially when a veteran's health is in question. Veterans routinely find their claims denied or remanded because the regional office says it has insufficiently detailed information - though one of the diagnostic criteria for [PTSD](#) is an inability to recall important aspects of a trauma.

These problems are further compounded by an institutional work credit system that equates productivity with the number of cases processed, effectively offering employees an incentive to take shortcuts to clear their desks of pending claims.

The VA also gives its employees the benefit of the doubt if they claim that

they have never received a particular document that the veteran maintains he or she has submitted. Often, VA reviewers will deny claims based on such "missing" information.

The resulting misconduct has been alarmingly persistent: The same Manhattan regional office currently under investigation was cited 25 years ago for disposing of thousands of claims files at the bottom of its elevator shaft.

While the stated goal of the VA management to digitize the application process by 2010 is an admirable first step, much more remains to be done. Some advocates have proposed withholding credit for processed cases until the final stage of review, in order to encourage accuracy over speed. Others have suggested waiving the requirement that [Iraq](#) and [Afghanistan](#) veterans diagnosed with PTSD or traumatic [brain injury](#) (TBI) prove that the disability stems directly from military service. Akin to the policy for Vietnam veterans with Agent Orange exposure, this would curtail the application timeline for the most vulnerable claimants.

A third option might be to provide interim benefits for veterans with claims pending beyond a designated period - a form of relief requested by Vietnam Veterans of America in its recently filed lawsuit. Ironically, the Social Security Administration, which has never imposed a proof requirement for claimants - and hence takes less time to process claims than the VA - has just announced plans to further expedite its own TBI claims, including those of veterans.

Regardless of which particular path it pursues, the VA cannot continue to address the misdeeds of its personnel as isolated episodes. By failing to recognize the systemic nature of such misconduct and introduce a correspondingly far-reaching remedy, the agency dishonors the sacrifices borne by the veterans it is meant to serve.

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