

Congress of the United States
Washington, DC 20515

May 4, 2020

The Honorable Paul R. Lawrence, Ph.D.
Under Secretary for Benefits
U.S. Department of Veterans Affairs
810 Vermont Avenue NW
Washington, D.C. 20420

Dear Under Secretary Lawrence:

We write to express our concerns about the significant delays that Florida's veterans, or their survivors, are experiencing while waiting for decisions on their U.S. Department of Veterans Affairs (VA) Pension claims. We are also concerned with the insufficient communication our staff has been having in obtaining written notifications about major actions and decisions on Pension claims. The delays in Pension claims decisions combined with the inconsistent receipt or absence of timely written communication about cases has caused apprehension and frustration among our constituents, and has inhibited our staff's ability to provide timely updates and set expectations about the VA Pensions and Survivors Pension claims process. According to the VA's own metrics, the State of Florida has the largest population of veterans aged 65 and older and is the third most populous veteran state in the nation. As you know, being age 65 or older is one of the requirements for consideration for Pension eligibility.

We strongly urge you to immediately review the current Veterans Pension and Survivors Pension claims processing system. The review should include the use of the Pension National Work Queue (NWQ), to determine how it can accelerate the process of delivering timely benefit decisions to the individuals most in need of the benefit. Currently, it appears the VA Pension Management Centers (PMCs) are working in a manner to make the Pension NWQ successful instead of harnessing it to best deliver timely and accurate claims decisions. Congressional offices were informed that the January 2019 implementation of the NWQ, an electronic distribution of claims among the three PMCs based on capacity and availability of staffing, would help balance the workload among the three PMCs in order to achieve greater efficiencies and faster claims decisions. Prior to the implementation of the NWQ, our offices received decisions on Veterans or Survivor Pension cases, including the Aid and Attendance benefit, in 35 to 45 days. Pension decision time frames since implementation of the Pension NWQ have increased to several months.

Supplemental claims, in which constituents request a review of their claims with new information, submitted in response to a denial (usually excess income) are taking up to a year or more to be reviewed. In the meantime, affected constituents are not in receipt of any VA benefit,

and are experiencing severe financial hardship which does not usually meet VA's expedite criteria. The substantial delays in Supplemental claims decisions have significant negative financial impacts for claimants.

It appears the lack of all three offices being fully engaged in working Pension and Aid and Attendance cases from date of receipt to issuance of the claims decision has helped to create the significant delays in the decision-making process. It is our understanding that Philadelphia PMC no longer issues decisions to determine if a claimant is medically eligible for Pension and Aid and Attendance but that all three offices determine if the Veteran or Survivor meet the net worth requirements that went into effect on October 18, 2018. This is evidenced by the fact that the VA Philadelphia PMC Manager said in a February 13, 2020 call with Congressional staff that the three PMCs undertook a coordinated effort between December 9, 2019 and January 31, 2020 to review claims, and that more than 36,000 claims were processed during that period but that the coordinated effort was "temporary."

During Fall 2019, the VA notified all Congressional offices that it would no longer accept the age of the claimant (85 or older) and financial hardship as reasons for expedited processing of Pension claims due to the majority of claimants being age 85 and older. Subsequently, the VA Philadelphia PMC Manager reversed part of that decision saying Congressional staff could request expedited processing for any Veteran or Survivor over 85, but that it would take a "holistic" view of the entire case when making a decision to move forward. More recently, the VA PMC said its expedite decisions on cases involving veterans or survivors age 95 and older. These continued changes to expedite policy, which are not in any written guidance that can be shared with constituents, make it very difficult to help older claimants who are applying for the Pension and accompanying Aid and Attendance benefit to help pay their health care costs.

Congressional offices play a critical role in working with Veterans and their Survivors by providing them updates about their individual claims and information about the claims process. This allows staff to give constituents confidence in the process and to help set expectations about its operations. Unfortunately, it does not appear the VA PMCs are helping our staff assist our Veterans. Our staff is not receiving final responses, including VA notification letters, when cases are resolved or closed unless they contact the PMCs to ask for them. The VA PMCs are insisting that our staff work through the Philadelphia office to obtain claim information. This restriction does not allow our staff access to the other two PMCs that are reviewing many constituents' claims and prevents access to timely claims status information.

In order to serve our nation's heroes, we request you provide specific written parameters for expediting decisions on Veterans and Survivor Pension claims and timely, detailed password protected emailed responses directly to our offices as soon as possible.

Our constituents who are Veterans Pension and Survivors Pension claimants cannot continue to be kept waiting for claim decisions as they have been for the last 16 months. We believe it is critical that you undertake the immediate review of the current Veterans Pension and Survivors Pension claims process as soon as possible. The VA and VBA need to work more closely with Congressional staff to ensure we have timely and accurate information to provide

our constituents. Our offices would be glad to work with you on this matter. Thank you for your attention and we look forward to your prompt and comprehensive response.

Sincerely,



Marco Rubio
U.S. Senator



W. Gregory Steube
Member of Congress



Ross Spano
Member of Congress



Matt Gaetz
Member of Congress



Bill Posey
Member of Congress



Neal P. Dunn, M.D.
Member of Congress



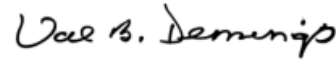
Michael Waltz
Member of Congress



Brian Mast
Member of Congress



Stephanie Murphy
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Val Butler Demings
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Gus M. Bilirakis
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Lois Frankel
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Ted S. Yoho D.V.M
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