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# U.S. House of Representatives

## COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED SIXTEENTH CONGRESS

B-234 LONGWORTH HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

<http://veterans.house.gov>

April 20, 2020

The Honorable Robert Wilkie  
Secretary  
U.S. Department of Veterans Affairs  
810 Vermont Avenue NW  
Washington, DC 20420

Dear Mr. Secretary:

We write to voice concerns and request information about the Department of Veterans Affairs' (VA) plan to eliminate a quality control step in the disability claims process, known as the 48-hour review period. While we appreciate the legal considerations influencing VA's decision to revoke this review period, we fear the timing of this decision may create additional hardship for veterans and Veterans Service Organizations (VSOs) who currently rely on this process to provide better services to veterans and their families. To preserve the value of the 48-hour review period, we urge you to work with VSOs to consider alternatives to a complete elimination of this opportunity for pre-decisional review.

VSOs as well as other representatives and agents, provide veterans and their loved ones with invaluable assistance while navigating the Department's disability claims process. The 48-hour review period provides a brief opportunity for VSOs to review rating decisions for errors or technical corrections before the decisions are finalized, thereby quickly and efficiently improving the accuracy of claims and reducing the need for appeals. VSOs believe that elimination of this review period could result in delayed benefits for veterans and an increase in appeals or other formal corrective action.

VA is currently phasing out this quality review mechanism while the Department, veterans, and VSOs are struggling with the challenges posed by the COVID-19 pandemic. In particular, VSOs have recently migrated their staffs to remote work locations following closure of Regional Offices and are working with fewer resources amidst an ever-changing crisis climate. Our country is facing an unprecedented emergency in light of the current COVID-19 pandemic. Therefore, I urge the Department to consider postponing any change to the 48-hour review period until after VA, VSOs and Congress are able to have a more thorough discussion about this policy change.

Until then, please provide the following information regarding the 48-hour review period:

1. Following VA's proposed elimination of the 48-hour review, how will a VSO representative be notified when a draft rating decision is uploaded into the Veterans Benefits Management System (VBMS)? Will a draft decision be uploaded in every case and how long will it remain there before it is finalized?
2. Has VA considered any alternatives to the 48-hour review period to preserve a VSO representative's ability to identify significant errors prior to promulgation of a rating decision?
3. We understand that one consideration is the complaint by attorneys who do not have the same access to the 48-hour review period for their veteran clients. What technological and privacy challenges prevent expansion of the 48-hour review period to attorney representatives?
4. What access, if any, to VBMS do attorneys currently enjoy? What is the estimated cost of providing private attorneys access to VBMS and is the access equal to that of VSOs?

Thank you for your attention and assistance. We ask that you provide a response by April 27, 2020. Please contact Julie Turner, Majority Staff Director, Subcommittee on Disability Assistance and Memorial Affairs, House Veterans' Affairs Committee, at [Julie.Turner@mail.house.gov](mailto:Julie.Turner@mail.house.gov) or Maria Tripplaar, Minority Staff Director, Subcommittee on Disability Assistance and Memorial Affairs, House Veterans' Affairs Committee, at [Maria.Tripplaar@mail.house.gov](mailto:Maria.Tripplaar@mail.house.gov) with any questions.

Sincerely,



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Mark Takano  
Chairman



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David P. Roe, M.D.  
Ranking Member