What GAO Found

Demonstration Project Performance: Between August 2011 and August 2014, the Department of Labor (DOL) demonstrated relatively higher performance than the Office of Special Counsel (OSC) on three of five performance metrics in the Veterans’ Benefits Act of 2010 (VBA). The relative performance was influenced—to a varying extent—by a number of factors, such as the investigative approach.

Case Outcomes (as of July 31, 2014): OSC provided relief to about 26 percent and DOL provided relief to about 20 percent of its claimants. DOL resolved 308 (or 97 percent of the 319) Uniformed Services Employment and Reemployment Rights Act (USERRA) cases, and OSC resolved 366 (or 84 percent of the 434) cases it received. OSC received a greater number of cases due to a requirement to investigate 27 cases involving a prohibited personnel practice (PPP) and to the random assignment of cases from servicemembers with odd social security numbers. GAO did not evaluate the appropriateness of agencies’ case outcomes. Although the agencies had 10 months to prepare, OSC officials stated they had limited capacity to investigate and resolve claims during the first six months of the demonstration project. In fiscal years 2013 and 2014, both agencies closed about as many cases as received.

Customer Satisfaction: On a survey sent to claimants and administered by OPM, DOL respondents reported higher average satisfaction on every question than OSC respondents, with pronounced differences in scores on timeliness, access to staff, and overall experience. For example, 66 percent of DOL’s respondents (n=100) were satisfied with overall customer service, whereas 34 percent of OSC’s respondents (n=151) were satisfied. In light of the low survey response rates, GAO conducted additional statistical analyses to control for potential bias and ensure conclusions could be drawn from survey results. Differences in satisfaction between agencies persisted after controlling for variables such as case outcome and timeliness.

Timeliness: DOL’s average investigation time of closed cases was about 41 days and OSC’s was about 151 days. GAO examined factors potentially influencing timeliness, such as OSC’s responsibility to investigate cases involving a PPP, and whether relief was obtained for claimants. GAO found these factors were not primary contributors to OSC’s relatively longer average times. Agencies have different policies for extending case investigation timeframes. Officials from OSC said they allow for open-ended case extensions, whereas DOL does not.

Cost: DOL spent about $1,112 per case, whereas OSC spent about $3,810. The relative difference in agencies’ costs was affected by factors such as the number of hours dedicated to case investigations and pay levels, among others.

Capacity: The agencies demonstrated different capabilities to investigate and resolve cases in areas such as staffing, training, and information technology. For example, DOL had 31 staff investigating USERRA demonstration project, and other nonfederal USERRA or veterans’ preference cases. These DOL investigators had an average annual demonstration project caseload of five. OSC had 7 staff investigating demonstration project cases, with an average annual caseload of 28. GAO could not determine relative performance on agency capacity due to the lack of a specific and comparable metric.