

Highlights of GAO-11-812, a report to congressional requesters

September 2011

## VETERANS DISABILITY BENEFITS

### Clearer Information for Veterans and Additional Performance Measures Could Improve Appeal Process

#### Why GAO Did This Study

The Department of Veterans Affairs (VA) has struggled to provide timely reviews for veterans who appeal decisions on their disability compensation claims. A veteran appeals to the VA regional office that made the initial decision, and if still dissatisfied, to the Board of Veterans Appeals (Board). An appeal to the Board adds more than 2 years, on average, to the wait for a decision on the appeal. To resolve more appeals at the regional level and avoid waits at the Board, VA, in 2001, established the Decision Review Officer (DRO) review as an alternative to the traditional regional office appeal review. A DRO is given authority to grant additional benefits after reviewing an appeal based on a difference of opinion with the original decision. In contrast, under the traditional review, new evidence is generally required for a grant of additional benefits. GAO examined (1) the extent to which veterans choose a DRO review, (2) outcomes for DRO reviews, and (3) VA's challenges in managing DROs. GAO analyzed Board data, surveyed managers in all 57 regional offices, visited 4 offices, and interviewed veterans.

#### What GAO Recommends

GAO recommends VA (1) revise its appeals election letter, (2) develop an appeal resolution goal at the regional level, and (3) develop a training curriculum on DRO duties. In its comments, VA concurred fully with GAO's first and third recommendations but only partially with the second. VA expressed concerns about an appeal resolution goal, including that it could encourage the unjustified granting of benefits. GAO feels that VA's quality control process minimizes this risk.

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#### What GAO Found

According to VA data, which has only tracked DRO involvement since 2003, veterans chose a DRO review in 61 percent (534,439) of all appeals filed from 2003 to 2010. Veterans who sought assistance with their appeal from a veteran service organization or other qualified representatives were more likely to choose a DRO review than those without a representative. Without assistance, veterans may not fully understand their two appeal options. GAO found that the letter VA uses to inform veterans of their options does not highlight key deadlines or differences between the two options. According to more than half of surveyed regional office managers, most veterans could not make an informed choice on the options based just on the letter.

The DRO review process has helped some veterans get additional benefits at the regional office level, but has not reduced the percentage of appeals continuing on to the Board—the primary purpose of the program. In fiscal years 2003 through 2008, 21 percent of DRO reviews resulted in a full grant of benefits compared to 17 percent of traditional reviews. A full grant of benefits ends, or resolves, the appeal at the regional level. However, appeals may also be resolved at the regional level if veterans who do not receive full grants decide not to continue their appeal to the Board. VA gave DROs the flexibility to interact informally with veterans in part so they could explain when the benefits already granted are appropriate given the law. However, while DRO reviews led to the grant of full benefits at a higher rate, a higher percentage of veterans not granted benefits through traditional review voluntarily ended their appeals. As a result, in fiscal years 2003 through 2008 the overall percentage of appeals resolved at the regional level was about the same for DRO and traditional reviews—about 70 percent for both.

VA faces challenges in how to most effectively use and train DROs. Since the DRO process and position were established, DRO duties have expanded beyond reviewing appeals to performing additional tasks such as quality review. However, VA officials have not reached consensus on how to balance DROs' time among different tasks. VA has no performance goal or measure for appeal resolution at the regional level that could help it determine whether it is achieving the most effective balance between different tasks. In addition, VA headquarters offers no nationwide, standardized training for new DROs, which according to managers and DROs would be beneficial, as they often lack experience with other tasks that DROs frequently perform such as conducting hearings. Ninety-three percent of surveyed regional managers said a nationally standardized training for new DROs would be beneficial.