



LOS ANGELES REGIONAL OFFICE ACTION REVIEW AFTER ACTION REPORT

Date: September 7, 2018

Background

The American Legion visited the Los Angeles VA Regional Office (VARO) July 11-12, 2018. This year's focus for the Regional Office Action Review (ROAR) is the impact of National Work Queue (NWQ) and the Veterans Benefits Administration (VBA) Work Credit System on the adjudication of veterans' claims.

The San Diego and Los Angeles VAROs are primarily responsible for claims that originate and/or are adjudicated in southern California. The RO is able to import claims from other jurisdictions through the NWQ, and southern California claims are able to be sent to other stations by the same means.

Employees

The American Legion conducted interviews with 10 Veteran Service Center (VSC) staff, and senior VARO leadership during the ROAR visit. Topics included:

- VARO Operations
- NWQ
- Leadership access
- Morale
- Recognition of high performance in both quality and quantity
- Suggestions to improve adjudications
- Review of 50 randomly selected cases provided by the Los Angeles RO
- Quality Reviews

Employees at the Los Angeles VARO are generally satisfied in their employment. They recognize the importance of their positions and were appreciative of their role in assisting our nation's veterans. The greatest concerns expressed by employees at all levels were related to IT issues and production standards.

There was no Director in place at the Los Angeles RO during our visit. The leadership team consisted of Acting Director Sammie L. Quillin, Assistant Director Emmett O'Meara, and Veterans Service Center Manager (VSCM) Jamie Cannon. There was no apparent personnel issues and none was expressed during our visit. The Los Angeles RO appears to be a well-run station and staff morale is high.

The largest concern expressed by employees was the VARO's focus on productivity and quality. While many employees indicated that productivity is the primary focus, management

emphasized the priority is both production and quality. Staff members are recognized for exceeding production standards, but not for exceeding quality standards, which is consistent with what we have observed at other VAROs. We respectfully recommend senior management place greater emphasis on recognizing staff achievements in the area of production quality, to better reflect management's focus on both timely and quality service to our veterans. It is worth mentioning that the VSCM has implemented a rewards program to recognize staff who go above and beyond to serve veterans.

Another major concern was IT issues, such as the ongoing latency, functionality, and reliability of the Veterans Benefits Management System (VBMS). These issues are also common to The American Legion at VAROs throughout the nation and our own Board Unit Teams in Washington, DC and Indianapolis, IN. These IT issues are beyond the control of station leadership and resolving them requires proactive involvement of VACO's senior leadership.

During the exit briefing these concerns were addressed.

Quality Review

The American Legion reviewed 44 out of 50 (unable to access 6 cases due to POA change or other reasons). Of the 44 cases reviewed, The American Legion found that 12 (27%) either had adjudication errors or VA failed to develop the claim properly. The Los Angeles VARO agreed with the findings in 3 of the 12 cases. The American Legion agreed with 4 of the Los Angeles VARO's responses and withdrew its initial findings. However, the Los Angeles VARO and The American Legion respectfully disagreed with their analysis of the remaining 5 cases. The final outcomes are as follows for the 44 cases reviewed:

- Cases with no errors: 36/44 (82%)
- Cases with Errors identified by The American Legion: 8/44 (18%)

The majority of the errors identified related to disability rating and inadequate Compensation and Pension (C&P) exams, which are common errors noted by The American Legion at VAROs across the nation. Raters often find themselves in the position of having to choose between meeting their production quota and deferring a decision to afford the veteran the opportunity for a new, adequate C&P examination. This affects their production rates as deferred actions do not receive work credit. We respectfully recommend that VBA senior leadership allow



reasonable work credit for deferred actions in cases where it is in the veteran's best interest. We believe the status quo unfairly penalizes raters for doing what is right for veterans.

We discussed the value and advantages of the "In Process Reviews (IPRs)" during our exit briefing. We requested that the RO and senior VBA VACO leadership seriously consider expanding the use of IPRs given the advantages it has over traditional quality reviews that are done after the rating decision. IPRs allow us to identify errors before issuing the Veteran a rating decision, and is an approach which can lead to reduced appeals.

Finally, it appears that the RO staff are not receiving rulings from the Court of Appeals for Veterans Claims (CAVC) and the Federal Circuit Court in a timely and consistent manner. For example, the Federal Circuit Court's decision of April 4, 2018 (*Saunders v. Wilkie*, No. 17-1466 (Fed. Cir. 2018))—which held that pain alone can be granted service connection as a disability—had not been added to M21-1 at the time of the ROAR visit. (Note: it has since been added.) Furthermore, it is not clear how much emphasis is placed on bringing case law to the attention of RO staff as several issues found by The American Legion on

case review were due to failure to apply case law. We believe the process for developing centralized guidance on court decisions and ensuring that such guidance comes to the attention of front-line staff in a timely manner may warrant careful study at VA Central Office. This would go a long way to reduce the labor intensive, time consuming process of reversing erroneous decisions through the appeals process.

Conclusion

The American Legion noted the high morale among the Los Angeles VARO employees. They understand the importance of the work they perform in support of our nation's veterans and their family members. The errors identified are largely reflective of those of other VAROs visited in recent years and are not unique to the Los Angeles VARO.

On behalf of The American Legion, I thank you and your staff for your hospitality and support during our ROAR visit.

Sincerely,

David G. Spivey