

Lincoln Regional Office Action Review

After Action Report

March 7, 2019

Background

The American Legion visited the Lincoln VA Regional Office (VARO) February 12-13, 2019. This year's focus for the Regional Office Action Review (ROAR) continues to be the impact of National Work Queue (NWQ) and the Veterans Benefits (VBA) work credit system on the adjudication of veterans' claims.

The purpose of this visit was to review the service-connected disability compensation claims processing function. Before the implementation of NWQ, the Lincoln VARO was primarily responsible for service-connected disability compensation claims for veterans residing in Lincoln, Nebraska. However, under the NWQ, claims are assigned to ROs based on the capacity and workload. The NWQ has drastically changed the way claims are processed; a change not fully embraced by employees across the ROs.

As of January 31, 2019, the Lincoln RO received 428 new claims, 921 adjustment claims (rating increases, etc.), and 4,000 appeals. In FY 2018, the Lincoln RO adjudicate 5,060 new claims and 13,826 adjustment claims. The average days pending for new claims is 149.7 and 107.7 for adjustment claims. The Lincoln RO is under three days for Time in Que (TIQ) for initial development, supplemental development, claims ready for decision, and non-rating claims.

The top three adjudication categories where the RO identified errors in FY18 were:

1. Task 4: Were all necessary examinations and medical opinions requested and sufficient?
2. Task 8: Are all effective dates assigned correctly?
3. Task 1: Was proper pre-decisional notification and/or was proper development to the veteran/claimant completed as required by regulations and/or the manual?

To correct these errors, the Lincoln RO:

1. Required all Rating Veteran Service Representatives (RCSR) and Decision Review Officers (DRO) to take courses through the VA's Training Management System (TMS).
2. Reviewed Clear and Unmistakable Error (CUE) logs and errors to train the employees on trends and issues.
3. Due process training was also on the schedule for March 7, 2019.

The Lincoln RO has difficulty adjusting to the initial implementation of the NWQ, but now report that they have grown and have become very familiar and comfortable with the NWQ system. The Lincoln RO leadership believes that one of the most difficult issues for the employees and stakeholders is accepting that they no longer serve all Nebraska veterans. It is also lost on the employees the impact they have on veterans because they do not "own" a claim from start to finish. They report that "It is undeniable that claims nationally are being processed more quickly" and have gotten used to the NWQ.

Employees

The American Legion was cordially received by Assistant Service Center Manager, Ronald Miesemer, who made sure I had access to the necessary rooms and facilities. Mr. Miesemer also introduced me to the Regional Office Director, Ms. Kerrie Witty, Veterans Service Center Manager, Mr. Jerrod Wilson, and other RO professional staff. We began the entrance briefing on time at 8:30 am. Mr. Miesemer provided a tour of the facility after the entrance brief and made further introductions to other RO employees while explaining the work each department does in support of veterans.

The Lincoln RO provided current workload information in response to our request. The average length of experience for the RVSRs and VSRs at the Lincoln RO are 5.8 years and 3.9 years, respectively. However, 50 percent of the staff has been with the RO for less than one year. One of the main factors for the turnover at the RO is the loss of personnel to the Department of Homeland Security (DHS) Nebraska Emergency Management Agency (NEMA) which, in 2012, relocated to the Joint Force Headquarters, on the Nebraska National Guard base in Lincoln.

I was afforded an opportunity to interview ten Veterans Service Center staff during the ROAR visit. I also met with senior VARO leadership regarding VARO operations. Topics included:

- NWQ
- Leadership access
- Timeliness and accuracy of information
- Production standards and Work Credit System
- Employee training
- Emphasis on quality vs quantity
- Case reviews of 50 randomly-selected cases rated by the Lincoln RO
- Quality review

It is evident that the employees of the Lincoln RO take pride in the quality of work they are known for producing. However, there are also common themes that emerged from discussions with VA RO employees. The Lincoln RO employees expressed a passion for helping veterans but lament not being able to have the same feeling of ownership of individual claims and direct contact with veterans. The employees were professional but were at first uncomfortable because they were not sure of the nature of The American Legion's visit. Some of them expressed gratitude that The American Legion actually cares enough to speak to them about matters relating to their work and the veterans they serve.

Every employee interview expressed satisfaction with their employment and even greater satisfaction in their leadership. While their desire to serve veterans did not waiver and their performance was not suffering, they still expressed a general dislike/concern for the performance requirements; especially the more seasoned employees who previously worked under the timeliness standards. As with other ROs, one of the biggest concerns for them is that the stress of the points-based performance system is so focused on numbers that the focus on veterans seems to fade. However they recognize the importance their work and how it impacts our nation's veterans.

The Lincoln RO staff was professional, candid, and forthcoming. They expressed sincere care for the work and the veterans they serve. Not unlike employees at other regional offices, they were not shy to express their displeasure with the systems and requirements that affect their overall performance and moral. However, the internal structures and leadership seems to be making a big difference in their ability to meet or exceed the requirements; undercutting their concern that the requirements are unfair and imbalanced.

The Lincoln RO has placed much emphasis on training, and the results prove it to be very effective. The employees generally like the type, method, and quality of training. The only criticism of the training was directed to the online TMS courses, or employees wanting more in-house training on specific topics. Nothing in my interactions with the RO leadership suggests that their desire would not be met. Overall, the emphasis on training is a key factor in why the Lincoln RO was one of the top producing ROs before the NWQ implementation and, by all counts, continues to be.

The employees interviewed expressed high confidence when asked if they are comfortable raising issues with their supervisors and felt the issues would be addressed. Most felt many, if not most, of the issues are beyond the supervisor's control. With AMA looming, there was a sense of unease about what to expect and the DROs, especially, seemed to have uncertainty about their future roles in the VA. While I was there, a tasker came out from VA Central Office that had a visible impact on their preparation for AMA launch. Mr. Miesemer provided a quick brief on the tasker and carried on with the business of helping veterans.

The Lincoln RO employees shared a common frustration about ongoing latency, functionality and reliability problems with VBMS and other VA applications. These IT concerns are nationwide issues that transcend any one RO, which is a clear indication of the priority VBA should place on this matter.

Like employees at other ROs, the Lincoln RO employees expressed a general dislike for NWQ but acknowledged that a system of accountability does need to be in place. Employees who have been with the RO before NWQ were especially fond of the Timeliness Standards and feel it would be better to return to those standards. Nearly all of the employees interviewed felt that the system, in its current form, places more emphasis on quantity than it does quality. They also felt the claims process would function better if they were able to work a claim at the same office until a rating decision is rendered, or at the very least have the case returned for final development.

Quality Review

The American Legion received the requested 50 cases for review prior to visiting the Lincoln VARO. The American Legion was not able to review 2 of the 50 cases provided. Of the 48 cases reviewed, The American Legion found that 12 (25%) either had adjudication errors or VA failed to develop the claim properly. The Lincoln VARO agreed with the findings in 5 of the 12 cases; though not every issue in each case. The final outcomes are as follows for the 50 cases reviewed:

- Cases with no errors: 36/48 (75%)
- Cases with Errors identified by The American Legion: 12/48 (25%)
- Cases where a decision was corrected as a result of The American Legion's review: 5/12 (42%)

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 believe that VBA senior leadership should review the current production requirements to ensure it is fair and equitable and that it is a sustainable model that will not have long-term consequences to the VA and especially the veteran community. We continue to believe the status quo unfairly penalizes raters for doing what is right for veterans and adds substantial undue stress on RO staff.

We discussed the value and advantages of the Quality Reviews and In Process Reviews (IPRs) during our exit briefing. We also discussed moral and employee recognition programs either in place or conceptualized within the realm of the Director's authority and support from senior VA leadership. We discussed the disparity between the employees' complaint about the production standards and the fact that they are meeting or exceeding standards. We also discussed that dissemination and application of rulings from the Court of Appeals for Veterans Claims (CAVC) and the Federal Circuit Court need to occur in a timely and consistent manner.

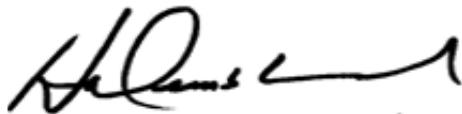
The American Legion currently does not have a representative at the Lincoln RO but the state's representatives are all cross-accredited to work TAL claims. Upon learning of my presence, the State's Department of Veterans Affairs Service Center Manager, Mr. Levi Bennett requested a meeting to discuss his desire to have a Legion DSO on-sight. I met with Mr. Bennett, and received a tour of his offices during which he introduced me to the state employees. After my meeting I referred the matter to the Leadership of The American Legion Department of Nebraska. Their initial response was one of little interest and dismay that this was not brought up before. However, this matter is not in my scope of responsibilities so I did not engage the discussion further; I simply made the handoff.

The Lincoln RO director believes that TAL "can play a key role in improving the speed with which benefits claims are processed". "Thorough, accurate, clear, and well-founded claims" produces faster decisions and TAL is "a powerful ally in the claims process" and in ensuring these elements are part of each claim.

Conclusion

The American Legion appreciates the accommodations given for our visit and the openness of the staff and supervisors of the Lincoln RO. On behalf of The American Legion, I thank you and your staff for your hospitality and support during our ROAR visit.

Respectfully Submitted by,



Greg Nembhard
Deputy Director, Claims Services
The American Legion