

Senator Maggie Hassan
Questions for the Record
Senate Veterans' Affairs Committee
Legislative Presentation of The American Legion
& Multi VSOs: Jewish War Veterans of the U.S.A., Minority Veterans of America, National Association of County Veterans Services Officers, Military Officers Association of America, National Association of State Directors of Veterans Affairs, D'Aniello Institute for Veterans and Military Families, and Wounded Warrior Project
February 26, 2025

Question for James LaCoursiere, Jr. – National Commander of the American Legion

1. Can you please describe some of the concerns you have about the current Compensation & Pension exam process, and how you believe it could be improved so that it better meets the needs of our veterans?

The Compensation & Pension (C&P) exam process is a critical step in determining a veteran's eligibility for earned disability benefits. Unfortunately, the system in its current form is plagued by inconsistencies, delays, and a lack of transparency—challenges that too often leave veterans frustrated and underserved. At the heart of these problems is an overreliance on private contractors, who have taken on nearly all the examination workload without the necessary oversight and quality control.

For decades, the Veterans Health Administration (VHA) served as the primary provider of these exams, leveraging its deep institutional knowledge, experience with veteran-specific conditions, and familiarity with military service-related health issues to deliver thorough and accurate evaluations. However, as the VA shifted toward outsourcing exams to private contractors, quality has become inconsistent, wait times remain a persistent issue, and veterans often feel like just another number in a for-profit system.

The American Legion strongly supports increasing the VHA's role in conducting C&P exams to improve quality and increase choice for veterans.

Key Concerns with the Current C&P Exam Process:

1. Loss of VHA Institutional Knowledge and Exam Quality

- a. The VHA is uniquely equipped to evaluate service-connected conditions, yet its role in the C&P process has been greatly diminished in favor of private contractors.
- b. Private contractors often lack expertise in military and veteran-specific health conditions, leading to incorrect or incomplete assessments that veterans must fight to overturn.
- c. Veterans frequently report rushed or impersonal exams, where examiners do not take the time to fully understand their conditions.

2. Lack of Oversight for Contractors

- a. While outsourcing was intended to speed up the process, contractors prioritize efficiency over accuracy, leading to high rates of appeals and exam rework.

- b. The VA lacks a public, standardized system for measuring contractor performance, leaving veterans without recourse when they receive poor-quality exams.
- c. Private examiners are often unfamiliar with VA rating criteria, resulting in flawed medical opinions that do not align with the disability rating system.

3. Accessibility Challenges and Scheduling Issues

- a. Many veterans—especially those in rural areas—must travel long distances for their exams, as private contractors are not evenly distributed nationwide.
- b. The current scheduling process lacks transparency, leaving veterans in the dark about when and where their exams will take place.
- c. Veterans often face last-minute cancellations and rescheduled appointments, causing unnecessary delays in receiving benefits.

4. Lack of Protections and Transparency

- a. Veterans are not provided with copies of their exam results, preventing them from identifying and correcting errors before decisions are made.
- b. There is no clear process for disputing an inadequate or unfair exam, forcing veterans into lengthy appeals rather than allowing them to request a second opinion upfront.
- c. Many veterans are left feeling disempowered and frustrated, caught in a bureaucratic system that does not prioritize their needs.

Recommendations for Improvement:

1. Increase the VHA's role in C&P Exams

- a. Reinvest in the VHA's capacity to conduct C&P exams, ensuring that veterans are examined by providers who understand military service-related conditions.
- b. Increase the number of VHA-employed examiners.

2. Strengthen Oversight and Quality Control for Contractors

- a. Establish public performance metrics for all contractors, including accuracy rates, veteran satisfaction, and rework percentages.
- b. Enforce financial penalties and contract termination policies for underperforming contractors who consistently produce flawed exams.
- c. Implement third-party quality control reviews to ensure that exam findings align with VA standards before claims decisions are made.

3. Enhance Transparency and Protections

- a. Require the VA to automatically provide veterans with copies of their exam results, allowing them to address discrepancies before claim decisions are made.
- b. Improve veteran communication by ensuring that examiners explain the purpose and findings of the exam in clear, accessible language.

The American Legion believes that the C&P exam process should be centered on the veteran, not on corporate efficiency metrics. By restoring the VHA's role as the primary provider of these critical exams, we can improve exam quality, reduce errors, and ensure that every veteran receives the fair and accurate evaluation they deserve. We urge Congress and the VA to take decisive action to bring this essential function back under the purview of the very institution created to serve veterans: the Department of Veterans Affairs.