



NEW YORK REGIONAL OFFICE ACTION REVIEW AFTER ACTION REPORT

Date: February 11, 2019

Background

The American Legion visited the New York VA Regional Office (VARO) January 29-30, 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 New York VARO is primarily responsible for service-connected disability compensation claims for veterans residing in New York. However, under the NWQ, claims from other jurisdictions are assigned to ROs based on the capacity and workload. NWQ has drastically changed the way claims are processed; a change not fully embraced by employees across the ROs.

Employees

The American Legion was cordially received by Assistant Director, Adam Swantz and the Service Center Manager, Joe Corretjer; RO Director, Sue Malley was out of office the first day but joined us for the our brief. Also present was Mr. John Kavanagh, American Legion Department Service Officer. Both Mr. Kavanagh and Mr. Corretjer complimented their close working relationship and coordination to help veterans. This relationship between The American Legion and the RO was evident during a tour of the facility during which I was introduced to VA employees in the various sections.

I was afforded to 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 New York RO
- Quality review

Many common themes emerge from discussions with VA RO employees across the board. However, the New York RO employees expressed a passion for helping veteran that sets them apart in their own right. The employees were professional but frank in their responses and were impressed that The American Legion actually cares enough to speak to them about matters relating to their work and the veterans they serve. There was mostly an expression of satisfaction with their employment and while their desire to serve veterans did not waiver, it was evident that the performance requirements were wearing on the more seasoned employees – those who worked under the timeliness standards. The biggest concern 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 the work and how it impacts our nation's veterans.

The New York 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.

The type, method, and quality of training received mixed reviews, but with a majority consensus, this improvement is necessary. Employees express concern that the training is not always timely and relevant. Every minute is treasured and irrelevant training, they feel, takes them away from performing the critical functions of their work. The method and quality of the training was described as inadequate and ineffective. This was more generally applied to the Talent Management System (TMS) training. Some employees would like to have more input in the training design and structure.

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

The New York 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 clear indication of the priority VBA should place on this matter.

Like employees at other ROs, the New York 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 be 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 New York VARO. The American Legion was not able to review 2 of the 50 cases provided and one case was duplicated. Of the 47 cases reviewed, The American Legion found that 10 (21%) either had adjudication errors or VA failed to develop the claim properly. The New York VARO agreed with the findings in 4 of the 10 cases. The final outcomes are as follows for the 50 cases reviewed:

- Cases with no errors: 37/47 (78.7%)
- Cases with Errors identified by The American Legion: 10/47 (21%)
- Cases where a decision was corrected as a result of The American Legion's review: 4/10 (40%)

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 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 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 also discussed that dissemination and application of rulings from the Court of Appeals for Veterans Claims (CAVC) and the Federal Circuit Court in a timely and consistent manner.

Conclusion

The American Legion appreciates the accommodations given for our visit and the openness of the staff and supervisors of the New York 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,

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