

## Shredding Our Trust in the VA

VA investigators find entire claims and other critical documents in shredding bins at Detroit Regional Office. VA official will only say, "I can't talk about that."

by Larry Scott

Many veterans who have filed disability claims with the Veterans' Benefits Administration (VBA) of the Department of Veterans' Affairs (VA) will relate horror stories of misdated, misfiled or lost documents all leading to delays in processing or an outright denial of the claim. The mantra for veterans dealing with the VBA has become: "Delay, Deny and Hope that I Die."

It has been assumed by many veterans, their Service Officers who help file claims and attorneys who specialize in veterans' law that the VBA operates in such a way as to deliberately stall or hinder the claim process with the goal of frustrating the veteran to the point where they just forget about the claim and go away. This isn't some grand plan to purposely hurt veterans, but rather a combination of ignorance, arrogance, incredibly bad management and non-existent oversight. While this viewpoint has been labeled cynical by some and outright paranoid by others, new information is surfacing that shows the cynics, and even the paranoids, to be correct.

## What We Know

The VA's Office of Inspector General (VAOIG) has been conducting audits, or investigations, of a number of VA Regional Offices (VAROs). There are over 50 VAROs around the country, each set up to handle the claims of veterans in a particular geographical area.

The latest series of VAOIG investigations centers on charges that VARO administrators and employees deliberately falsified "timeliness" statistics sent to the VA's Central Office (VACO). This would be information that shows when a claim was received and how, with a documented timeline including date/time stamps, it moved through the process.

The first heads have begun to roll in this investigation. During the week of October 6, 2008, four employees at the New York VARO, including the Director, were placed on administrative leave. More accurately, they were removed from their positions awaiting the outcome of the investigation. Sources close to this investigation say that those removed, and others, were found to have been fudging the "timeliness" figures. And, there are allegations that documents, including paperwork essential to the claim process had been destroyed.

Another VARO under investigation is Detroit. On September 5, 2008, VARO employees were called to a meeting with the main topic being their poor performance levels. They were told that the Director had been called to Washington to answer questions regarding the poor performance.

At that meeting, VARO officials announced an "amnesty period" for anyone who had old claims at their desk or stashed in other places around the office, a direct procedural violation. Employees were told to turn in paperwork so they could try to get the "timeliness" numbers up. Officials also stated that a VAOIG team would be coming shortly to inspect the VARO and urged all employees "to be prepared."

By mid-September the VAOIG team had arrived at the Detroit VARO. What they found staggers the imagination. VAOIG discovered hundreds of claims, documents critical to claims and other valuable information in the shredder bins. Those bins were removed from the shredder area and the documents were screened by upper management.

It is unclear if the VAOIG team actually “seized” any of the documents in the shredder bins. What we do know is that after the VAOIG investigators left the Detroit VARO, management continued to find more critical documents in shredder bins. A meeting was called and the Director told employees that it was known who had thrown out the documents and that they would be fired. The “amnesty period” for turning in mail kept at employee’s desks was extended in the hope of turning up all “lost” claim documentation.

On October 2, 2008, the Detroit VARO Director began a “no record mail” program. This was meant to find all mail in the offices for which there, literally, was no record. Quoting from an employee directly involved in this process: “...discovered in the thousands of pieces of ‘no record mail’ we found original applications, medical evidence for veterans’ claims that had not been included in the decisions, informal claims (that likely could affect original dates of claims), and other relevant identifiable mail items.”

On October 7, 2008, quoting again from the VA employee, “...the Director, Service Center Manager and other top management ransacked our work areas in search of mail that was being stored/stashed at individual’s desks. They sent some individuals home, and the others were told to wait in the break room until the end of their shift. I can’t attest to what they found in the work areas, but individuals were pulled aside and questioned.”

Then, on October 9, 2008, quoting again, “During a training session the Director...stated that other regional offices have already placed numerous supervisors on administrative leave in regards to ‘cheating’ on their numbers, and that with as poor as our station numbers [are]...at least we aren’t cheating on our numbers, or at least not cheating well.”

So, what is being done in the Detroit VARO to put an end to this mess? Not much. The VA employee adds with a noticeable sadness, “...They don’t seem to have any answers yet. They have juggled the supervisory staff around to different departments for some reason, and have been telling us to stand by for further training on our job functions. There are still items of mail at my desk currently that I have been told to hold on station since they don’t know the disposition of these types of mail yet [and]...they keep finding new piles of mail that date back to March of 2008 [and further] that’s had no action taken on it.”

### What We Don’t Know

At this time, we don’t know how many VAROs have been caught up in this investigation or if the VAOIG teams just went out to “sample” some VAROs and hit pay dirt in New York and Detroit.

We also don’t know what VACO is going to do about this. A highly-placed VACO official, when told that this information was going public, gulped, paused, and said, “I can’t talk about that.” And, one of the VAOIG investigators who was at the Detroit VARO will not return phone calls on this matter.

The worst part is, we don’t know if any documents were actually shredded. By its very nature, shredding would eliminate the evidence of what was shredded. We may never know unless a VA employee comes forward and says that they did it or saw it done.

## CYA Time

We will have to wait for the VAOIG reports before we can get a handle on how widespread this problem of “timeliness” is. Is this happening at all 50+ VAROs? A number of former VA employees have said that they believe the “timeliness” issue exists in all VAROs. They are of the opinion that there is widespread abuse of documents as they come in to the VARO. No one felt that any VARO Director would actually tell employees to hide or destroy documents, but the general feeling is that this is “winked at” and a standard way of handling the paperwork crunch at the VAROs.

Several former VA employees have postulated about how the VAOIG reports will turn out. They feel that the VA will claim that any hiding or destruction of documents was done at the lowest possible level and without the consent or knowledge of anyone above that person’s grade, then make promises that it will never happen again. A former VA attorney decided that it is impossible for such “widespread abuse to occur” without knowledge of its existence at all levels of the VARO.

We can expect statements of outrage from VA Secretary James Peake. We can expect hearings from the politicians on Capitol Hill. But, what will this really accomplish? Will any of this change the way the VAROs operate? Don’t count on it.

## Shredding Our Trust

Although it is not clear at this time whether any documents related to a disability claim were shredded at any VARO, it is safe to assume that they weren’t sitting in a shredder bin waiting to be processed by a claims representative. What has been shredded is veterans’ trust in the VA.

By deliberately hiding vital documents and delaying claims, the VBA has lived up to its reputation and to the slogan so many disgruntled vets hate to say but know is true: “Delay, Deny and Hope that I Die.”

VA executives are fond of touting their agency as “non-adversarial” when it comes to the disability claim process. Prior to his confirmation as VA Secretary, Dr. James Peake promised the Senate Committee on Veterans’ Affairs that he would “do the right thing” for veterans. It appears he missed the mark.

The VA’s biggest fear is that the VAOIG investigations will open the doors to, perhaps, tens of thousands of re-filed claims from every veteran, Service Officer and attorney who has had a claim or appeal timed-out because their paperwork was “not received in a timely manner.” While that would add to the huge backlog of claims facing the VBA at this time, it may be the only solution.

The VBA has shredded veterans’ trust in the disability claim process. It’s time for them to re-earn that trust.

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Follow-up story here...

<http://www.vawatchdog.org/08/nf08/nf0ct08/nf101408-3.htm>