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October 5, 2023

The Honorable Denis McDonough
Secretary of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Secretary McDonough,

I write to you today to express my concerns about recent reports related to the hiring and retention of veteran claims processors and the impact this has on the implementation of the Sergeant First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxins (PACT) Act of 2022. The PACT Act is one of the most significant pieces of veteran-related legislation signed into law in our lifetime, and we must properly implement it so toxic-exposed veterans can finally access the benefits they deserve.

According to your PACT Act Performance Dashboard, over 1 million PACT-related claims have been submitted since August 2022, with only 59.1% of claims completed. Arizona's completion rate is even lower, with only 51.4% of claims completed. Likewise, on average, PACT Act-related claims take 153.1 days to complete, compared to 125.2 days to complete non-PACT-related claims. While waiting months for earned benefits is unacceptable for any veteran, conditions related to toxic exposure can advance rapidly and be particularly complicated to treat. With over 75,000 post-9/11 veterans living in Arizona, thousands of Arizonans exposed to burn pits face significant delays in accessing VA benefits or may lose.

I also fear that, instead of focusing staffing and resources to address the backlog, the Department is asking existing claims processors to do more with less. Recent reporting shows that 600 claims processors resigned or retired in 2022, a 42% jump from 2020. The overwhelming backlog of cases, along with concerns with mandatory overtime, inadequate training, and unrealistic quota demands, have put enormous stress on claims processors, resulting in the significant departure of employees – at a time when we need more people supporting our toxic-exposed veterans, not less.

A 2021 GAO report also found that the Department has not applied many leading practices to manage its training programs following expansion benefits for Blue Water Navy veterans exposed to Agent Orange. That resulted in claims processors feeling unable to correctly complete their work and veterans' claims being delayed or denied unnecessarily. It is imperative that the Department is not only able to hire and maintain an adequate workforce to meet our veterans' needs but also trains this workforce to ensure efficient and accurate processing of claims.

As you know, the PACT Act expanded access to VA benefits for over 3.5 million veterans who were exposed to burn pits and other harmful substances during their services. Unsurprisingly, with the passing of the PACT Act, the Department of Veterans Affairs has seen a drastic increase in submitted claims for veterans with one of the 23 qualifying conditions who served in a geographic area known to have had burn pits.

I applaud the Department's efforts under your leadership to both work with Congress on passage of the PACT Act and to hire and train thousands of claims processors to respond to this historic benefits expansion. However, the concerns I have raised in this letter show that the Department's efforts to rapidly process claims from toxic-exposed veterans may not be meeting the mark.

With that in mind, I respectfully ask for a response regarding the following questions:

1. How specifically is the Department addressing the backlog in PACT Act-related claims and working to shorten the average timeline for completing claims processing?
2. What resources and funding are necessary for the Department to hire the necessary number of claims processors, properly onboard them, and ensure employee longevity to clear the backlog and effectively reduce claim completion timelines? What is the Department's goal for total number of claims processors, and why?
3. What is the Department doing to improve its training program to provide all new hires with the proper training before processing claims, and how has the Department's training program changed since the 2021 GAO report?
4. What actions are the Department taking to increase retention and improve workforce morale?

Thank you in advance for your consideration, and I look forward to working with you on providing toxic-exposed veterans with the benefits they have earned.

Sincerely,



Ruben Gallego
MEMBER OF CONGRESS