



NEW ORLEANS VA REGIONAL OFFICE ACTION REVIEW AFTER ACTION REPORT

Date: April 26, 2019

Background

The American Legion (TAL) visited the New Orleans VA Regional Office (VARO) March 12-13, 2019. This year's focus for the Regional Office Action Review (ROAR) continues to be the impact on the adjudication of veterans' claims under the National Work Queue (NWQ), Appeals Modernization Act (AMA), and the work credit system of the Veterans Benefits Administration (VBA).

The purpose of this visit was to review the service-connected disability compensation claims processing functions within the RO. Before the implementation of NWQ, the New Orleans VARO was primarily responsible for service-connected disability compensation claims for veterans residing in New Orleans, Louisiana and the surrounding regions. 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 March 12, 2019, the New Orleans RO had in inventory of 900 claims, which included:

1. 131 Initial development
2. 391 Supplemental developmental
3. 233 Rating actions
4. 80 Awards
5. 65 Authorizations
6. 14 Homeless claims
7. 68 Specialized claims (MST, TBI, 1151, etc.)

In FY 2018, the New Orleans RO adjudicated 15,648 claims, which included 3,137 appeals. The New Orleans RO is under three days' Time in Queue (TIQ) for initial development, supplemental development, claims ready for decision, and non-rating claims; complimented by an accuracy score of 95.5%. The New Orleans RO was not able to provide data that readily identified the percentage rate of grants / denials for conditions decided at the in the past fiscal year.

The top three adjudication categories where the RO identified Veteran Service Representative (VSR) errors in FY18 were:

1. System compliance
2. Exam development
3. Requesting federal records

The top three adjudication categories where the RO identified Rating Veteran Service Representative (RVSR) errors in FY18 were:

1. Evaluations
2. Effective Dates
3. Deferrals

To correct these errors, the New Orleans RO required VSRs to undergo mandatory training to:

1. Ensure all appropriate VA decisions reflected the accurate specific details of the veterans' pending claim/profile (Systems Compliance)
2. Determine how and when to order exams for entitlement to benefits (service connection and evaluations)
3. Identifying and acting on Duty to Assist issues (obtain Federal Records).

The RVSRs were likewise required to undergo mandatory training to:

1. Ensure evaluations are properly assigned (accurate evaluation percentages)
2. Assign correct effective dates for entitlement
3. Determine if a claim should be deferred for further development (Deferrals)

The New Orleans RO had difficulty adjusting to the initial implementation of the NWQ, but now reports employee competency has increased and have become very familiar and comfortable with the NWQ system. The New Orleans RO leadership believes that NWQ has had a positive impact on the RO. Similar to other sites, one of the most difficult issues for the employees and stakeholders is accepting that they no longer serve all Louisiana 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. According to the RO Director, "The New Orleans RO was a national leader in the timely processing of claims prior to the advent of NWQ. Since the implementation of NWQ, the New Orleans RO continues to be among the best in [the] nation in the timeliness of claims processing". The result of their work is borne out in the TIQ and accuracy score. The challenge the RO faces may be employee burnout and turnover due to employee stress discussed below.



Employees

The American Legion was cordially received by Service Center Manager, Steve Kelly, who made sure TAL had access to the necessary rooms and facilities. Legion staff also met with the Regional Office Director, Mr. Mark Bologna, Assistance Service Center Manager, Jimmy Williams, and other RO professional staff. The entrance briefing began on time at 8:30 am. Mr. Kelly 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 New Orleans RO provided current workload information in response to our request. The average length of experience for the RVSRs and VSRs at the New Orleans RO are 6.2 years and 5.2 years, respectively. The RO has a number of vacancies with professional staff acting in a number of Acting positions. Until Mr. Bologna was assigned as the Director, the position was filled in an Acting capacity for a number of years.

The American Legion was afforded to opportunity to interview ten Veterans Service Center staff during the ROAR visit. Legion staff 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 Orleans RO
- Quality review

By their own admission, the leadership of the New Orleans RO takes 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 that are concerning and that were discussed during the out-brief. The New Orleans 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 passionate and outspoken about the nature their work environment. Some expressed concerns about the unequal workload on their counterparts and others expressed the same concerns for themselves. For example, there was a concern that work that is a part of the portfolio of the VSRs was being handed off to Intake Analysts and/or VSRs requesting examinations instead of the Raters. The employees

expressed tremendous gratitude that The American Legion actually cares enough to speak to them about matters relating to their work and the veterans they serve. Their hope, as expressed, is that our reporting could spur positive change within the New Orleans RO and throughout the VA system.

Each interviewee expressed a strong desire to help veterans and their families, adding that this was the main reason they initially pursued a career with the VA. Treating the ten employees interviewed as a representative sampling for a climate survey, the conclusion is that moral at the RO is extremely low and the employees do not trust leadership to make decisions conducive to their well-being. About 40 percent of the interviewees does not feel they are valued members of the team. However, this was not the view expressed by the leadership staff during the initial brief and their responses during the out-brief indicated they were not fully aware employees within the RO had these concerns.

This may be that employees are not always forthcoming about how they truly feel when asked or that they are not engaged personally to discuss their work and morale. Some employees expressed hesitancy in expressing these concerns for fear it would affect their jobs. This fear may also be misplaced, however.

Every employee interviewed expressed a belief in the value of the work and their desire to continue to support the Veteran community; many of them being veterans themselves. However, some questioned whether they have a place and a future in the New Orleans RO to do just that. Having only limited visibility of the overall organizational climate and employee management interaction, it is impossible to conclude the depth of impact on the RO's support of the Veterans; but it does appear to be having some impact.

We recommend that leadership implement a more proactive employee engagement culture. One that fosters openness and clear communication that is both reassuring and corrective in a way that fosters growth and aims to extinguish a climate of fear.

Training and Performance

With AMA, then looming, the employees expressed frustration with the type and level of training to prepare them for the rollout. Some employees did express satisfaction with the frequency and level of training they received; a view most common among VSRs and RVSRs. One employee described the AMA training as "a complete disaster" and was visibly worried about how it will affect their work and how they support the veterans. During the out-brief, Director Bologna reassured TAL that they indeed have a robust training plan that was being executed and that they currently have a 30 day training calendar already in place. It is not clear this plan was already communicated to the employees during the ROAR visit.



A clear exemption to the above, is the Non-Rating Team (NRT) which was lauded for the frequency and effectiveness of the training provided by the coach. The NRT team members expressed greater satisfaction in their work, higher morale, and a strong feeling of comradery with their team-mates. While their desire to serve veterans did not waiver and their performance was not suffering, they still expressed a general dislike/concern for the points-based performance requirements.

As with other ROs, one of the biggest concerns for employees of the New Orleans RO is that the stress of the points-based performance system is so focused on numbers that the focus on veterans seems to fade. The employees work with a sense of looming 'career killing' error calls; even if only perceptive. However they recognize the importance their work and how it impacts our nation's veterans.

The employees interviewed expressed mixed feelings of confidence about raising issues with their supervisors and whether these issues would be addressed. Some employees felt many issues are beyond the supervisor's control but that RO leadership could do much more to change the culture and climate of the New Orleans RO. With AMA looming, there was a sense of unease about what to expect as an additional cause for stress. Additionally, the New Orleans 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.

The American Legion recommends that the New Orleans RO leadership team develop a means by which employees feel invited to ask questions and offer ideas. One way another RO did this was by creating a centralized mailbox where messages go directly to the Director's staff and is actively monitored and managed. Additionally, we recommend that VBA leadership communicates efforts to combat ongoing technological issues throughout the system.

Accountability

Like employees at other ROs, the New Orleans 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.

VSO Collaboration

When asked to list topics where the RO would like to see greater collaboration and/or advocacy by TAL, the RO stated that they would like TAL to:

1. Work more closely with veterans to submit appropriate lay and objective evidence that specifically supports the contention, especially for those issues on appeal.
2. Encourage regional and local TAL offices to host "lunch and learn" sessions in their facilities to help veterans navigate the new AMA process.
3. Encourage regional and local TAL offices to request specific VA training on various subjects during their yearly training sessions.

The New Orleans RO participates in the Louisiana Department of Veterans Affairs' (LDVAs') annual training conference to discuss multiple topics affecting Veterans' benefits. We recommend TAL, Department of Louisiana develop a closer relationship with the Benefits office and take advantage of these suggestions and training sessions to better support Louisiana Veterans.

Quality Review

The American Legion received the requested 50 cases for review prior to visiting the New Orleans VARO. The American Legion was not able to review 3 of the 50 cases provided. Of the 47 cases reviewed, The American Legion found that 8 (17%) either had adjudication errors or VA failed to develop the claim properly. The New Orleans VARO agreed with the findings in 3 of the 8 cases; though not every issue in each case. The final outcomes are as follows for the 47 cases reviewed:

- Cases with no errors: 39/47 (83%)
- Cases with Errors identified by The American Legion: 8/47 (17%)
- Cases where a decision was corrected as a result of The American Legion's review: 3/8 (37%)

The majority of the errors identified related to disability rating and inadequate Compensation and Pension (C&P) exams; these 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 morale 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 the need to disseminate and train staff to apply Court of Appeals for Veterans Claims (CAVC) and the Federal Circuit Court's rulings in a timely and consistent manner.

The American Legion currently does not have a representative at the New Orleans RO but the state's representatives are cross-accredited to work TAL claims. We believe it would be beneficial to have an on-site DSO who can develop a good working relationship with the RO and to whom the RO can communicate issues that are of vital interest to TAL and the veterans we serve.

The New Orleans 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, produce 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 New Orleans 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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The American Legion