

VA Office of Inspector General

OFFICE OF AUDITS AND EVALUATIONS



Veterans Benefits Administration

*Inspection of
VA Regional Office
Fort Harrison, Montana*

September 9, 2015
15-02706-485

ACRONYMS

OIG	Office of Inspector General
RVSR	Rating Veterans Service Representative
SMC	Special Monthly Compensation
TBI	Traumatic Brain Injury
VARO	Veterans Affairs Regional Office
VBA	Veterans Benefits Administration
VSC	Veterans Service Center

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Report Highlights: Inspection of the VA Regional Office, Fort Harrison, MT

Why We Did This Review

The Veterans Benefits Administration (VBA) has 56 VA Regional Offices (VAROs) and a Veterans Service Center in Wyoming, that process disability claims and provide services to veterans. In May 2015, we evaluated the Fort Harrison VARO to see how well it accomplishes this mission. We sampled claims we considered at increased risk of processing errors, thus these results do not represent the overall accuracy of disability claims processing at this VARO.

What We Found

Generally, the Fort Harrison VARO accurately processed the three types of disability claims we reviewed. Overall, 2 of the 66 (3 percent) claims reviewed contained processing inaccuracies that resulted in approximately \$2,410 in improper benefits payments. During this inspection, VARO staff incorrectly processed 2 of 30 temporary 100 percent disability evaluations we reviewed. We also noted a significant improvement from our 2011 inspection when 10 of the 30 cases sampled contained errors. Additionally, VARO staff accurately processed all 30 traumatic brain injury claims we reviewed—again demonstrating improved accuracy from our 2011 benefits inspection, where 3 of the 23 sampled cases contained errors. VARO staff also correctly processed all six of the Special Monthly Compensation and ancillary benefits claims staff completed during calendar year 2014.

Further, VARO staff followed VBA's policy for establishing claims in the electronic record using correct dates of claim in the 30 claims we reviewed. However, VARO staff delayed processing 3 of the 30 benefits reduction cases we reviewed because management prioritized other workload higher. Effective management of these rating actions can reduce the risk of improper payments and provide better stewardship of taxpayer funds.

What We Recommended

We recommended the VARO Director take appropriate action on the 79 temporary 100 percent disability evaluations remaining from our inspection universe as of March 10, 2015. The Director should also ensure staff timely process benefits reduction cases to minimize improper payments to veterans.

Agency Comments

The Director of the Fort Harrison VARO concurred with all recommendations and the planned corrective actions are responsive. We will follow up as required.

A handwritten signature in blue ink that reads "Brent E. Arronte".

BRENT E. ARRONTE
Deputy Assistant Inspector General
for Audits and Evaluations

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INTRODUCTION

Objective

The Benefits Inspection Program is part of the Office of Inspector General's (OIG) efforts to ensure our Nation's veterans receive timely and accurate benefits and services. The Benefits Inspection Divisions contribute to improved management of benefits processing activities and veterans' services by conducting onsite inspections at VA Regional Offices (VAROs). These independent inspections provide recurring oversight focused on disability compensation claims processing and the performance of Veterans Service Center (VSC) operations. The objectives of the inspections are to:

- Evaluate how well VAROs are accomplishing their mission of providing veterans with access to high-quality benefits and services.
- Determine whether management controls ensure compliance with VA regulations and policies; assist management in achieving program goals; and minimize the risk of fraud, waste, and other abuses.
- Identify and report systemic trends in VARO operations.

Where we identify potential procedural inaccuracies, we provide this information to help the VARO understand the procedural improvements it can make for enhanced stewardship of financial benefits. We do not provide this information to require the VAROs to adjust specific veterans' benefits. Processing any adjustments per this review is clearly a VBA program management decision.

In addition to this oversight, inspections may examine issues or allegations referred by VA employees, members of Congress, or other stakeholders.

Other Information

- Appendix A includes details on the Fort Harrison VARO and the scope of our inspection.
- Appendix B outlines criteria we used to evaluate each operational activity and a summary of our inspection results.
- Appendix C provides the Fort Harrison VARO Director's comments on a draft of this report.

RESULTS AND RECOMMENDATIONS

I. Disability Claims Processing

Claims Processing Accuracy

The OIG Benefits Inspection team focused on evaluating the accuracy in processing the following three types of disability claims and determined their effect on veterans’ benefits:

- Temporary 100 percent disability evaluations
- Traumatic brain injury (TBI) claims
- Special monthly compensation (SMC) and ancillary benefits

We sampled claims related only to specific conditions that we considered at increased risk of claims processing errors. As a result, the errors identified do not represent the universe of disability claims or the overall accuracy rate at this VARO.

High Risk Disability Claims Processing

Fort Harrison VARO staff generally accurately processed the three high-risk disability claims we reviewed. However, VARO staff incorrectly processed 2 of the total 66 (3 percent) disability claims we sampled, resulting in 7 improper monthly payments to 1 veteran, totaling \$2,410.¹ Table 1 reflects processing errors identified during our review.

Table 1. Fort Harrison VARO Disability Claims Processing Accuracy for Three High-Risk Claims Processing Areas

Types of Claims	Claims Reviewed	Claims Inaccurately Processed: Affecting Veterans’ Benefits	Claims Inaccurately Processed: Potential To Affect Veterans’ Benefits	Claims Inaccurately Processed
Temporary 100 Percent Disability Evaluations	30	1	1	2
TBI Claims	30	0	0	0
SMC and Ancillary Benefits	6	0	0	0
Total	66	1	1	2

Source: VA OIG analysis of the VBA temporary 100 percent disability evaluations paid at least 18 months, TBI disability claims completed in the fourth quarter of fiscal year 2014 and first quarter of fiscal year 2015, and SMC and ancillary benefits claims completed in calendar year 2014.

¹ All calculated percentages in this report have been rounded when applicable.

**Temporary
100 Percent
Disability
Evaluations**

VARO staff incorrectly processed 2 of 30 temporary 100 percent disability evaluations we reviewed. VBA's policy requires a temporary 100 percent disability evaluation for a veteran's service-connected disability following a surgery or when specific treatment is needed. At the end of a mandated period of convalescence or treatment, VARO staff must request a follow-up medical examination to help determine whether to continue the veteran's 100 percent disability evaluation.

For temporary 100 percent disability evaluations, VSC staff must input suspense diaries in VBA's electronic system. A suspense diary is a processing command that establishes a date when VSC staff must schedule a medical reexamination. As a suspense diary matures, the electronic system generates a reminder notification to alert VSC staff to schedule the medical reexamination. VSC staff then have 30 days to process the reminder notification by establishing the appropriate control to initiate action.

When the VARO obtains evidence that a lower disability evaluation would result in a reduction or discontinuance of current compensation payments, VSC staff must inform the beneficiary of the proposed reduction in benefits. In order to provide beneficiaries due process, VBA allows 60 days for the veteran to submit additional evidence to show that compensation payments should continue at their present level. On the 65th day following due process notification, action is required to reduce the evaluation and thereby minimize overpayments.

Effective management of these temporary 100 percent disability ratings can reduce VBA's risks of paying inaccurate financial benefits and provides stewardship of taxpayer funds. Available medical evidence at the time we reviewed claims showed 1 of the 2 processing errors affected a veteran's benefits; the remaining error had the potential to affect a veteran's benefits. VARO management concurred with our assessments in both errors. Following are descriptions of the errors we identified.

- The error that affected benefits payments occurred when VARO staff reduced an evaluation for breast cancer from 100 percent disabling to 50 percent. However, medical evidence showed the veteran was still being treated for breast cancer which warranted continuation of the temporary 100 percent evaluation. As a result, the veteran was underpaid approximately \$2,410 over a period of 7 months.
- In the second case, a Rating Veterans Service Representative (RVSR) completed a rating decision but did not address all of the disabilities claimed by the veteran as required by VBA policy. We

could not determine if the error affected benefits because the evidence needed to evaluate the claimed disabilities was incomplete. However, if left uncorrected, the veteran's benefits payments could be affected.

Generally, VARO staff followed VBA policy when processing temporary 100 percent disability evaluations. Because VARO staff accurately processed most of the temporary 100 percent disability claims we reviewed, we made no recommendation for improvement in this area. We provided VARO management with the 79 claims remaining from our universe of 109 cases related to temporary 100 percent disability evaluations for its review to determine if action is required.

*Follow-Up to
Prior VA OIG
Inspection*

In our previous report, *Inspection of the VA Regional Office, Fort Harrison, Montana* (Report No. 11-03211-12, November 3, 2011), we reported VARO staff incorrectly processed 10 of 30 temporary 100 percent disability evaluations we reviewed. Most errors occurred because VARO staff did not establish suspense diaries to request the medical reexaminations as required. To assist in implementing the agreed upon review, we provided the VARO with 54 claims remaining from our universe of 84 temporary 100 percent disability evaluations. In response to a recommendation in our report, *Audit of 100 Percent Disability Evaluations* (Report No. 09-03359-71, January 24, 2011), the Acting Under Secretary for Benefits agreed to review all temporary 100 percent disability evaluations and ensure each had a future reexamination date entered in the electronic record.

During this May 2015 benefits inspection, we found VARO staff established suspense diaries for future medical reexaminations and generally followed VBA policy when processing temporary 100 percent disability evaluation claims.

TBI Claims

The Department of Defense and VBA commonly define a TBI as a traumatically induced structural injury or a physiological disruption of brain function caused by an external force. The major residual disabilities of TBI fall into three main categories—physical, cognitive, and behavioral. VBA policy requires staff to evaluate these residual disabilities. Additionally, VBA policy requires that employees assigned to the appeals team, the special operations team, and the quality review team complete training on TBI claims processing.

In response to a recommendation in our report, *Systemic Issues Reported During Inspections at VA Regional Offices* (Report No. 11-00510-167, May 18, 2011), VBA agreed to develop and implement a strategy for ensuring the accuracy of TBI claims

decisions. In May 2011, VBA provided guidance to VARO Directors to implement a policy requiring a second signature on each TBI case an RVSR evaluates until the RVSR demonstrates 90 percent accuracy in TBI claims processing. The policy indicates second-signature reviewers come from the same pool of staff as those used to conduct local station quality reviews.

During our May 2015 inspection, we found VARO staff correctly processed all 30 TBI claims we reviewed. VARO management and staff attributed the high accuracy rate for processing TBI claims to improved communication between staff at the VARO staff and VA hospital, the experience level of staff processing TBI claims, continuous communication with the VARO's internal quality review staff, and the improved in-process quality reviews of these claims.²

*Follow-Up to
Prior VA OIG
Inspection*

In our previous report, *Inspection of the VA Regional Office, Fort Harrison, Montana* (Report No. 11-03211-12, November 3, 2011), 3 of the 23 TBI cases reviewed contained errors. We determined the three TBI claims processing errors were unique and did not constitute a common trend, pattern, or systemic issue. As such, we did not make a specific recommendation for improvement to the VARO in our November 2011 benefits inspection report.

***Special Monthly
Compensation
and Ancillary
Benefits***

As the concept of rating disabilities evolved, it was realized that for certain types of disabilities, the basic rate of compensation was not sufficient for the level of disability present. Therefore, SMC was established to recognize the severity of certain disabilities or combinations of disabilities by adding an additional compensation to the basic rate of payment. SMC represents payments for "quality of life" issues such as the loss of an eye or limb, or the need to rely on others for daily life activities, like bathing or eating.

Generally, VBA grants entitlement to SMC when the following conditions exist.

- Anatomical loss or loss of use of specific organs, sensory functions, or extremities
- Disabilities that render the veteran permanently bedridden or in need of aid and attendance
- Combinations of severe disabilities that significantly affect locomotion

² In-process reviews are reviews designed to correct deficiencies throughout the claims process prior to promulgation, and identify training opportunities.

- Existence of multiple, independent disabilities that are evaluated as 50 to 100 percent disabling
- Existence of multiple disabilities that render the veteran in need of such a degree of special skilled assistance that, without it, the veteran would be permanently confined to a skilled-care nursing home

Ancillary benefits are secondary benefits that are considered when evaluating claims for SMC. Examples of ancillary benefits are:

- Dependents' Educational Assistance under Chapter 35, title 38, United States Code
- Specially Adapted Housing Grants
- Special Home Adaptation Grants
- Automobile and Other Conveyance and Adaptive Equipment Allowance

VBA policy requires staff to address the issues of SMC and ancillary benefits whenever they can grant entitlement. We examined whether VARO staff accurately processed entitlement to SMC and ancillary benefits associated with anatomical loss, loss of use of two or more extremities, or bilateral blindness with visual acuity of 5/200 or worse.

We determined that VARO staff accurately processed all six of the SMC and ancillary benefits claims staff completed during calendar year 2014. As such, we made no recommendation for improvement in this area.

Recommendation

1. We recommended the Fort Harrison VA Regional Office Director conduct a review of the 79 temporary 100 percent disability evaluations remaining from our inspection universe as of March 10, 2015, and take appropriate action.

Management Comments

The VARO Director concurred with our recommendation. The VSC will conduct a review of the 79 temporary 100 percent disability evaluations remaining from our inspection universe and take appropriate actions. The Director expects to have the reviews completed by November 15, 2015.

OIG Response

The Director's comments and actions are responsive to the recommendation.

II. Data Integrity

Dates of Claim

To ensure all claims receive proper attention and timely processing, VBA policy directs staff to use the earliest date stamp shown on the claim document as the date of claim. VBA relies on accurate dates of claim to establish and track key performance measures, including the average days to complete a claim. We focused our review on whether VSC staff followed VBA policy for establishing dates of claim in the electronic record.

VSC staff established correct dates of claim for all 30 claims we reviewed. As a result, we determined the VSC is following VBA policy, and we made no recommendation for improvement in this area.

III. Management Controls

Benefits Reductions

VBA policy provides for the payment of compensation to veterans for conditions they incurred or aggravated during military service. The amount of monthly compensation to which a veteran is entitled may change because his or her service-connected disability may improve. Improper payments associated with benefits reductions generally occur when beneficiaries receive payments to which they are not entitled because VAROs do not take the actions required to ensure correct payments for their levels of disability.

When the VARO obtains evidence that a lower disability evaluation would result in a reduction or discontinuance of current compensation payments, VSC staff must inform the beneficiary of the proposed reduction in benefits. In order to provide beneficiaries due process, VBA allows 60 days for the veteran to submit additional evidence to show that compensation payments should continue at their present level. If the VARO does not receive additional evidence within that period, RVSRs will make a final determination to reduce or discontinue the benefit. On the 65th day following due process notification, action is required to reduce the evaluation and thereby minimize overpayments.

On April 3, 2014, VBA leadership modified its policy regarding the processing of claims requiring benefits reductions. The new policy no longer includes the requirement for VARO staff to take “immediate action” to process these reductions. In lieu of merely removing the vague standard, VBA should have provided clearer guidance on prioritizing this work to ensure sound financial stewardship of these monetary benefits.

Finding 1

Fort Harrison VARO Lacked Oversight To Ensure Timely Action on Benefits Reductions

VARO staff delayed processing 3 of the 30 benefits reductions claims completed from October through December 2014. This occurred because management prioritized other work higher. As a result, VA made 4 improper payments to 3 veterans totaling approximately \$4,991.³ For all three cases with processing delays, an average of 1 month elapsed before staff took the required actions to reduce benefits.

³ All calculated numbers in this report have been rounded where applicable

VARO management did not agree with our assessments in the three cases we identified as having errors. Although VBA policy states a final decision is required after 130 days from the date the veteran is notified of the proposed reduction, provided no extensions were required, management did not follow this policy in all cases. Management told us they prioritized other workload considered by VBA to be a higher priority.

We disagree with VARO management's response. It is a VBA management responsibility to ensure this workload is processed timely because it has the potential to entail millions of dollars in improper payments. Without ensuring this work is processed timely, delays in processing benefits reductions result in unsound financial stewardship of veterans' monetary benefits and fail to minimize improper payments.

Recommendation

2. We recommended the Fort Harrison VA Regional Office Director implement a plan to ensure staff timely process claims related to benefits reductions to minimize improper payments to veterans.

Management Comments

The VARO Director concurred with our recommendation. The VSC updated their Workload Management Plan to specify that supervisors are responsible for ensuring benefits reduction workload are identified and routed for action timely. The plan also assigns responsibility for the timely processing and completing of this workload to claims processing staff. The Director reported reviewing this workload on August 18, 2015, and determined VARO staff were following the workload management plan.

OIG Response

Our review of the VARO's updated Workload Management Plan confirms the Director's actions are responsive to the recommendation. On August 25, 2015, we also confirmed that the Fort Harrison VARO did not have any overdue rating reduction workload pending in its inventory.

Appendix A VARO Profile and Scope of Inspection

Organization The Fort Harrison VARO administers a variety of services and benefits, including compensation benefits; vocational rehabilitation and employment assistance; specially adapted housing grants; benefits counseling; and outreach to homeless, elderly, minority, and women veterans.

Resources As of April 2015, VBA's Office of Field Operations reported that the Fort Harrison VARO had a staffing level of 71 full-time employees. Of this total, the VSC had 61 employees assigned.

Workload As of March 2015, VBA reported that the Fort Harrison VARO had 2,735 veterans rating claims pending with 1,595 (58 percent) pending greater than 125 days.⁴

Scope and Methodology VBA has 56 VAROs and a VSC in Wyoming that process disability claims and provide a range of services to veterans. In May 2015, we evaluated the Fort Harrison VARO to see how well it accomplishes this mission. We interviewed managers and employees and reviewed veterans' claims folders.

Our review included 30 of the 253 temporary 100 percent disability evaluations (12 percent) selected from VBA's Corporate Database. These claims represented all instances in which VARO staff had granted temporary 100 percent disability evaluations for at least 18 months as of March 10, 2015. This is generally the longest period a temporary 100 percent disability evaluation may be assigned without review, according to VBA policy. We provided VARO management with the 79 claims remaining from our adjusted universe of 109 claims as of March 10, 2015, for review. We reviewed 30 of the 64 available disability claims related to TBI (47 percent) that the VARO completed from July 1 through December 31, 2014. We examined 6 of 9 veterans' claims involving entitlement to SMC and related ancillary benefits (67 percent) completed by VARO staff from January 1 through December 31, 2014.

⁴ This number includes brokered-in claims.

We reviewed 30 of the 1,100 dates of claim (3 percent) recorded in VBA's Corporate Database from October 1 through December 31, 2014. Additionally, we looked at 30 completed claims that proposed a reduction in benefits between October 1 and December 31, 2014.

Data Reliability

We used computer-processed data from the Veterans Service Network's Operations Reports and Awards. To test for reliability, we reviewed the data to determine whether any data were missing from key fields, included any calculation errors, or were outside the time frame requested. We also assessed whether the data contained obvious duplication of records, alphabetic or numeric characters in incorrect fields, or illogical relationships among data elements. Furthermore, we compared veterans' names, file numbers, Social Security numbers, VARO numbers, dates of claim, and decision dates as provided in the data received with information contained in the 126 claims folders we reviewed related to temporary 100 percent disability evaluations, TBI claims, SMC and ancillary benefits, and completed claims related to benefits reductions, and dates of claim establishment.

Our testing of the data disclosed that they were sufficiently reliable for our inspection objectives. Our comparison of the data with information contained in the veterans' claims folders reviewed in conjunction with our inspection of the VARO did not disclose any problems with data reliability.

As reported by VBA's Systematic Technical Accuracy Review program as of March 2015, the overall accuracy of the Fort Harrison VARO's compensation rating-related decisions was 95.5 percent; 2.5 percentage points below VBA's FY 2015 target of 98 percent. We did not test the reliability of these data.

Inspection Standards

We conducted this inspection in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*.

Appendix B Inspection Summary

Table 2 reflects the operational activities inspected, applicable criteria, and whether or not we had reasonable assurance of VARO compliance.

Table 2. Fort Harrison VARO Inspection Summary

Operational Activities Inspected	Criteria	Reasonable Assurance of Compliance
Disability Claims Processing		
Temporary 100 Percent Disability Evaluations	Determine whether VARO staff properly reviewed temporary 100 percent disability evaluations. (38 CFR 3.103(b)) (38 CFR 3.105(e)) (38 CFR 3.327) (M21-1 MR Part IV, Subpart ii, Chapter 2, Section J) (M21-1MR Part III, Subpart iv, Chapter 3, Section C.17.e)	Yes
Traumatic Brain Injury Claims	Determine whether VARO staff properly processed claims for service connection for all disabilities related to in-service TBI. (FL 08-34 and 08-36), (Training Letter 09-01)	Yes
Special Monthly Compensation and Ancillary Benefits	Determine whether VARO staff properly processed SMC and correctly granted entitlement to ancillary benefits. (38 CFR 3.350, 3.352, 3.807, 3.808, 3.809, 3.809a, 4.63, and 4.64) (M21-1MR IV.ii.2.H and I)	Yes
Data Integrity		
Dates of Claim	Determine whether VARO staff accurately established claims in the electronic records. (38 CFR 3.1 (p) and (r)), (M21-4, Appendix A and B), (M21-1MR, III.ii.1.C.10.a), (M21-1MR, III.ii.1.B.6 and 7), (M21-1MR, III.ii.2.B.8.f), (M21-1MR, III.i.2.A.2.c) (VBMS User Guide), (M21-4, Chapter 4.07), (M23-1, Part 1, 1.06)	Yes
Management Controls		
Benefits Reductions	Determine whether VARO staff timely and accurately processed disability evaluation reductions or terminations. (38 CFR 3.103(b)(2)), (38 CFR 3.105(e)), (38 CFR 3.501), (M21-1MR.IV.ii.3.A.3.e), (M21-1MR.I.2.B.7.a), (M21-1MR.I.2.C), (M21-1MR.I.ii.2.f), (M21-4, Chapter 2.05(f)(4)), (<i>Compensation & Pension Service Bulletin</i> , October 2010)	No

Source: VA OIG

CFR=Code of Federal Regulations, FL=Fast Letter, M=Manual, MR=Manual Rewrite

Appendix C VARO Director's Comments

Department of Veterans Affairs

Memorandum

Date: August 18, 2015

From: Director, VA Regional Office Fort Harrison, Montana (436/00)

Subj: Inspection of the VA Regional Office, Fort Harrison, Montana

To: Assistant Inspector General for Audits and Evaluations (52)

1. The Fort Harrison VARO's comments are attached on the OIG Draft Report:
Inspection of the VA Regional Office, Fort Harrison, Montana
2. Please refer questions to Koryn Arnold, (406) 495-2024.

(original signed by:)

Loren Miller,
Director

Attachment

**Attachment
August 18, 2015**

Fort Harrison (436)

OIG Recommendations:

Recommendation 1: *We recommend the Fort Harrison VA Regional Office Director conduct a review of the 79 temporary 100 percent disability evaluations remaining from our inspection universe as of March 10, 2015, and take appropriate action.*

Fort Harrison VARO Response: Concur

The Fort Harrison RO will conduct a review of the remaining 79 temporary 100 percent disability evaluations beginning on August 24, 2015 to determine if any action is required. The RO is targeting a November 15, 2015 completion date for the review.

Recommendation 2: *We recommend the Fort Harrison VA Regional Office Director implement a plan to ensure staff timely process claims related to benefits reductions to minimize improper payments to veterans.*

Fort Harrison VARO Response: Concur

The Fort Harrison RO is following national workload directives and priorities on reducing the backlog. The Fort Harrison RO updated the Veterans Service Center Workload Management Plan effective June 16, 2015, which specifies that Supervisors are responsible for ensuring that maturing EP 600s are identified and routed for action and VSRs/RVSRs are responsible for the timely processing and completion of this workload.

A spot check of pending EP 600s conducted on August 18, 2015 validates that the Workload Management Plan is being followed.

Appendix D **OIG Contact and Staff Acknowledgments**

OIG Contact	For more information about this report, please contact the Office of Inspector General at (202) 461-4720.
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Acknowledgments	Nora Stokes, Director Kristine Abramo Karen Cobb Casey Crump Ramon Figueroa Nelvy Viguera Butler Kerri Leggiero-Yglesias
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