

VA Office of Inspector General

OFFICE OF AUDITS AND EVALUATIONS



Veterans Benefits Administration

*Review of
Alleged Supervisory
Influence To Expedite a
Friend's Disability Claim at
VA Regional Office
New York, New York*

January 7, 2016
14-04302-12

ACRONYMS

OIG	Office of Inspector General
VA	Department of Veterans Affairs
VARO	Veterans Affairs Regional Office

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EXECUTIVE SUMMARY

On July 24, 2014, the Office of Inspector General (OIG) received an anonymous allegation that a supervisor working at the New York VA Regional Office (VARO) instructed claims processing staff to expedite a disability claim belonging to a friend. On September 3, 2014, we conducted an unannounced visit at the New York VARO to assess the merits of the allegation.

The supervisor admitted taking these actions to help a friend obtain benefits as quickly as possible. We confirmed that the supervisor had completed VA's ethics training as required. Despite the training, the supervisor did not find actions to expedite processing a friend's claim unethical. As a result of the supervisor's actions, staff completed this veteran's claim in 117 days—36 days faster than similar claims. At the time of our review, VARO New York took an average of 153 days to complete claims.

We determined that this was an isolated incident involving one claim. We found no other instances of similar actions taken at the VARO to expedite claims processing based on personal relationships. Furthermore, we reviewed the veteran's claim for accuracy and did not find any inaccuracies in the disability determinations or evaluations. We recommended that the New York VARO director take action, as appropriate, to ensure similar incidents do not occur in the future. We also recommended the director develop and implement a mechanism to ensure staff have a venue to report such incidents in the future, should any occur.

The director of the New York 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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RESULTS AND RECOMMENDATIONS

Allegation **A New York VARO Supervisor Influenced Claims Processing Actions To Expedite a Friend's Disability Claim**

On July 24, 2014, the Office of Inspector General (OIG) received an anonymous allegation that a supervisor at the New York VA Regional Office (VARO) instructed staff to expedite the processing of a friend's disability claim.

What We Did

On September 3, 2014, we conducted an unannounced visit at the New York VARO to assess the merits of the allegation. We interviewed the supervisor alleged to have unduly influenced staff to expedite processing a friend's claim before other veterans' claims that had been pending longer. We examined training records to determine whether the supervisor had completed VA's mandatory annual ethics training. We obtained and reviewed the veteran's claims folder, including VA rating decisions and supporting medical evidence to determine the accuracy of the rating decision. We compared the time it took VARO staff to complete claims similar to the claim that the supervisor allegedly expedited. Moreover, we interviewed managers and claims processing staff working at the New York VARO to identify any other instances of expediting the processing of friends' claims.

Background

Government-wide regulations contain a basic obligation for public service employees to act impartially and not give preferential treatment to any individual. Regulations prohibit employees from using their Government position to coerce or induce another person, including a subordinate, to provide any benefit based on a personal relationship. Regulations also state that employees are required to avoid any actions creating the appearance that they are violating the law or ethical standards. A determination of whether particular circumstances create an appearance of a violation of the law or ethical standards is made from the perspective of a reasonable person with knowledge of the relevant facts. VA employees are annually required to complete ethics training that addresses the issue of preferential treatment.

What We Found

We substantiated the allegation that a New York VARO supervisor inappropriately expedited the processing of a disability claim belonging to a friend. The supervisor's actions included:

- Engaging with a Rating Veterans Service Representative and a Decision Review Officer on the merits of the disability evaluation and personally hand carrying the claim from team to team for review.
- Requiring a subordinate employee to document marital and dependency information that the supervisor obtained directly from the friend. The

subordinate employee completed and signed a VA form, giving the appearance that the employee had obtained the information first-hand.

The supervisor admitted taking these actions to help a friend—an elderly Korean War veteran—to obtain benefits as quickly as possible. We confirmed that the supervisor had completed VA's ethics training as required. Despite the training, the supervisor did not find actions to expedite processing a friend's claim unethical. Because of the supervisor's actions, staff completed this veteran's claim in 117 days—36 days faster than similar claims. At the time of our review, VARO New York took an average of 153 days to complete claims.

Conclusion

We determined that this was an isolated incident involving one claim. We found no other instances of similar actions taken at the VARO to expedite claims processing based on personal relationships. Furthermore, we reviewed the veteran's claim for accuracy and did not find any inaccuracies in the disability determinations or evaluations.

Recommendations

1. We recommended the Director of the New York VA Regional Office take actions, as appropriate, to ensure similar incidents involving expediting friends' disability claims do not occur in the future.
2. We recommended the Director of the New York VA Regional Office develop and implement a mechanism to ensure staff have a venue for reporting violations of ethical standards of conduct in the future, should any occur.

Management Comments and OIG Response

The VARO Director concurred with the recommendations and acknowledged that all eligible veterans should receive a level of benefits delivery and customer service that is equal in quality and expediency with no regard to personal relationships. The supervisor involved received counseling on ethical behavior. In addition, on October 20, 2015, the director addressed ethical standards during an all-employee town hall meeting and advised that VARO leadership will ensure all employees are educated on ethical standards, to include annual ethics training. By December 31, 2015, the VARO Director plans to implement a mechanism that allows anonymous reporting of violations of ethical standards. The VARO Director's planned corrective actions are responsive to the recommendations. We will follow up, as required.

Government Standards

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

Appendix A Director for VA Regional Office New York Comments

Department of Veterans Affairs

Memorandum

Date: October 22, 2015

From: Director, VA Regional Office, New York, NY

Subj: Review of Alleged Supervisory Influence to Expedite a Friend's Disability Claim, New York VA Regional Office

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

1. The New York VARO comments are attached on the OIG Draft Report: *Alleged Supervisory Influence to Expedite a Friend's Disability Claim, VA Regional Office, New York.*
2. Please refer questions to Adam Swantz, Assistant Director, 212-807-3058.

(original signed by:)

Sue Malley

cc: North Atlantic District Director's Office

Attachment

Recommendations:

We recommended the Director of the New York VA Regional Office take actions, as appropriate to ensure similar incidents involving expediting friends' disability claims do not occur in the future.

NYRO Response: Concur.

The New York Regional Office (NYRO) acknowledges that all eligible Veterans should receive a level of benefits delivery and customer service that is equal in quality and expediency. As such, the expediting of claims based solely on a personal relationship with a particular Veteran is not acceptable. NYRO Leadership held a verbal counseling session with the supervisor in question regarding ethical versus non-ethical behavior.

NYRO leadership will ensure that all employees are educated on the ethical standards associated with claims processing and personal relationships with Veterans who file claims for benefits. The NYRO Director addressed this issue at an all-employee town hall meeting held on October 20, 2015. Additionally, NYRO leadership will ensure annual ethics training is completed by all RO employees.

Status: We requested closure of this recommendation.

We recommended the Director of the New York VA Regional Office develop and implement a mechanism to ensure staff has a venue for reporting violations of ethical standards of conduct in the future, should they occur.

NYRO Response: Concur.

The New York Regional Office will develop and implement a mechanism for anonymously reporting violations of ethical standards of conduct.

Status: Target Completion Date: December 31, 2015.

Appendix B **OIG Contact and Staff Acknowledgments**

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

Appendix C Report Distribution

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