

**SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS  
COMMITTEE ON VETERANS' AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES ON  
"PREPARING FOR BLUE WATER CLAIMS-VA STATUS UPDATE ON  
IMPLEMENTATION"**

**QUESTIONS FOR THE RECORD**

Questions Submitted by Chairman Mark Takano

**1. Please provide a detailed timeline of when the Department of Veterans Affairs (VA) requested ships information, locations and coordinates in support of processing Procopio and Blue Water claims.**

**VA Response:** Please review the requested timeline below.

- 3/19/2019 - Initiated discussions with National Archives and Records Administration to scan archival deck logs for Navy and Coast Guard ships in service between January 1962 and May 1975
- 4/12/2019 - Identified vendor for performing work under existing scanning contract
- 4/23/2019 - Identified location for work to be performed
- 7/24/2019 - Contract modification awarded to General Dynamics Information Technology (GDIT) to support Blue Water Navy (BWN) deck log scanning
- 8/09/2019 - Letter of Agreement signed by Under Secretary for Benefits and Archivist of the United States
- 8/26/2019 - First shipment of archival deck logs departed Archives II, College Park, Maryland
- 8/27/2019 - Scanning commenced
- 9/13/2019 - Data extraction commenced

**2. Detail what plans the VA has to ensure that accurate disability ratings will be assigned, especially for those veterans who did not receive their care at VA medical centers but were previously denied benefits related to the chemicals commonly referred as Agent Orange.**

**VA Response:** VA continues to strive to provide excellent customer service to all claimants who seek benefits. There are procedures already in place to ensure that all

Veterans receive accurate disability evaluations, whether they receive treatment from VA or a private provider.

Any time a Veteran submits a claim for disability compensation, they are informed that they can either submit any pertinent evidence that they have in their possession or provide VA with the name and address of any private treatment facility where they have been seen for their condition. VA exercises its duty to assist all Veterans in obtaining evidence which may be required in order to provide the most accurate disability evaluations possible. This includes requesting evidence from private medical providers who may have treated the Veteran in the past.

In all cases, VA seeks any pertinent information which may be relevant in support of a claim for disability. Once all evidence has been gathered, a decision is made based on careful consideration of all available evidence.

**3. Numerous veteran service organizations have raised concern that the forms currently required for an appeal can be confusing when it relates to claims that may have been previously denied. Please provide a detailed plan to ensure that a veteran's claim will be adjudicated and how the VA will work with veterans to ensure that the correct form is obtained.**

**VA Response:** On October 28, 2019, VA mailed outreach letters to over 77,000 previously-denied Veterans and survivors to inform them of their potential entitlement to benefits based on the provisions of Public Law (P.L.) 116-23. These outreach letters included the required claim form for previously-denied claims and provided instructions on how to submit a claim.

For any claims not received on the prescribed form, VA has procedures in place to ensure that the correct form is sent to the claimant, with instructions on how to complete the form, and where to send the form.

**4. Provide a plan to ensure that Native American and Alaska Indians and deported veterans are informed about the expanded access to Blue Water and Procopio related claims.**

**VA Response:** The Secretary of Veterans Affairs' outreach plan is to help inform all Veterans to include Native American, Alaska Indian, and deported Veterans of Blue Water Navy (BWN) whose claims were previously denied or who may now be eligible under the new law. VA sent letters directly to those Veterans and survivors providing them with information about the new law and how it may affect them and their benefits.

VA ensures that its front-line employees are aware of the new BWN benefits and can appropriately speak to them in outreach venues. Within VA, offices such as the Benefits Assistance Service and the Office of Tribal Government Relations continuously collaborate to ensure Native American and Alaska Indian Veterans are fully aware of benefits they have earned, to include BWN Veterans. Since October 1, 2019, the

Veterans Benefits Administration (VBA) has conducted 35 events specifically targeting Tribal and Native American Veterans and has reached over 2,500 Veterans.

VA also launched a dedicated Web site that houses the BWN communications toolkit. The toolkit contains different fact pattern scenarios for Veterans to learn more about the changes.

Questions Submitted by Ranking Member David P. Roe, M.D.

**5. During the hearing, Mr. Clark stated that claims processors had not yet started processing Blue Water Navy Claims because VA is still preparing for implementation of the Blue Water Navy Act. However, Mr. Clark also declared that VA will be issuing decisions on January 1, 2020. Additionally, at the hearing, Ms. Murphy stated that some of the simpler Blue Water Navy claims could be done in a couple of weeks. Therefore, please provide VA's timeline for completing the components necessary to implement the Blue Water Navy Act and issue decisions on January 1, 2020, including, but not limited to:**

**a. Testing and deploying the ship locator tool and other information technology updates,**

**VA Response:** Testing occurred on December 18, 2019.

**b. Issuing policies and procedures on processing Blue Water Navy claims,**

**VA Response:** On September 4, 2019, and October 7, 2019, VA issued Policy Letters on issuing the stay and interim guidance on handling BWN claims.

The Blue Water Navy Vietnam Veterans Act of 2019 provides VA with the authority to implement the law without first publishing regulations. VA is currently drafting regulations to reflect the statute and is on track to publish proposed regulations to the Federal Register in June 2020. In addition, the new law requires VA to submit quarterly congressionally-mandated reports on the status of the publication of regulations. Since the passage of the law, VA has submitted to Congress two quarterly reports.

In the meantime, standard operating procedures for designated field personnel at the centralized regional offices (RO) and the Records Research Specialist teams were drafted and released by December 20, 2019.

Updates to the procedural guidance for field personnel (i.e., not at the designated centralized ROs) that are contained in VBA's M21-1 adjudication procedures manual were revised and published on December 31, 2019.

VA published a final Policy Letter on December 31, 2019, that will lift the stay and instruct field offices to process BWN claims.

**c. Conducting training and disseminating guidance on handling Blue Water Navy claims, and**

**VA Response:** VA released BWN Training courses to employees on December 2, 2019, and published recordings of the training courses for employees who were unable to attend the live scheduled training sessions.

**d. The anticipated time when VA will begin processing individual cases for veterans.**

**VA Response:** The statutory amendments made by P.L. 116-23 took effect on January 1, 2020. VA began deciding claims immediately once the law went into effect.

Questions Submitted by Chairwoman Elaine Luria

**6. Please outline what, if any efforts were made to ensure that submarine locations were included in the efforts to develop the ships locator tracking tool.**

**VA Response:** The Navy History and Heritage Command provided a list of ships and submarines that entered into Vietnam's Area of Operations. VA used this list to request all decklogs to identify these vessels for the ship locator tracking tool.

**7. Please outline what additional efforts have been made to obtain and integrate submarine locations in the tracking tool.**

**VA Response:** See prior response. VBA is currently working with the Navy History and Heritage Command to obtain any information on submarines for possible incorporation into the ship locator tool, based on their findings.

**8. Detail what, if any additional resources the VA may need in order to provide timely and equitable processing of Blue Water claims for servicemembers serving on submarines in the offshore waters as outlined in PL 116-23.**

**VA Response:** In Fiscal Year 2020, VA estimates \$202 million is needed for VBA General Operating Expenses (GOE), and \$69 million is needed for VA's Office of Information and Technology to successfully administer benefits outlined in P.L. 116-23. The request for VBA GOE includes funding for 1,114 full-time employees (FTE). Funding requirements will continue in subsequent years and will be reflected in VA's FY 2021 President's Budget request.

**9. Please advise the number of Blue Water-related claims that have been received to date.**

**VA Response:** As of December 17, 2019, VA received 12,714 BWN claims.



**a. Please detail how many, if any, claims are being used as part of training for the processing.**

**VA Response:** VA did not use any live claims during the training that was provided to VA employees. Instead, VA used Job Aids and scenarios to teach the concepts that employees will need to know to process BWN-related claims.

**10. Advise what end-product-codes (EPC) are being used to process Blue Water claims, including claims relating to Death Indemnity Compensation.**

**VA Response:** All BWN claims are being tracked with an end product (EP) 335, to include claims related to Dependency Indemnity Compensation (DIC).

**a. Additionally, please provide a breakdown of the number of claims in each EPC.**

**VA Response:** As indicated above, all BWN claims, including DIC claims, are being processed with an EP 335. As of December 17, 2019, VA received 12,714 BWN claims.

Questions Submitted by Ranking Member Mike Bost

**11. Please detail how VA's outreach plan informs veterans of the types of evidence VA will consider when determining service in the offshore waters.**

**VA Response:** VA has launched a dedicated Web site that houses the BWN communications toolkit. The toolkit contains information about Frequently Asked Questions, a Fact Sheet, instructional guide (BWN 101), and how to submit any new and relevant information regarding Veteran's claims by providing them with examples such as the dates their vessel traveled within the offshore waters of the Republic of Vietnam or updated medical information.

VA staff continually receives training on VA benefits and services to include specific training regarding BWN claims, and this training is now available for our new employees. There are opportunities for VA staff to participate in conferences, community events, and visit VA facilities to reach Veterans and explain benefits and services that include BWN claims and types of evidence needed to submit or resubmit a denied claim.

**12. Please provide the dates VA will complete any IT testing for the ship locator tool prior to full implementation of Public Law (P.L.) 116-58.**

**VA Response:** Testing occurred on December 18, 2019.

**13. Approximately when does VA anticipate mailing the first grant letters under P.L. 116-58 to Blue Water Navy (BWN) veterans.**

**VA Response:** VA began processing claims (including grants) on January 1, 2020. Notification letters were mailed on January 2, 2020.

**14. Please describe how VBA will track, measure, and report the accuracy of BWN claims.**

**VA Response:** VBA's Compensation Service Quality Assurance staff conducted a review of 100 BWN decisions from the eight centralized ROs in January 2020. After the initial review of 100 BWN decisions, these staff will sample 10 BWN decisions per month from each of the centralized ROs to assess and measure accuracy. VBA will pull the sample and upload into the Quality Management System (QMS). The reviews will be conducted in QMS, and any deficiencies will be reported to the centralized ROs, and corrective action will be required.

**15. Please provide the locations of each Regional Offices that will process BWN claims.**

**VA Response:** VA centralized the processing of BWN claims to eight regional offices in Salt Lake City, Phoenix, Waco, St. Paul, Roanoke, St. Petersburg, St. Louis, and Cleveland.

**16. What controls are in place to ensure that employees at ROs that VA has not authorized to process BWN claims will not mistakenly handle any BWN claims?**

**VA Response:** The National Work Queue (NWQ) will use automatic rules to distribute all BWN claims based on specific attributes to eight BWN ROs. Additionally, stations will use local rules to ensure these claims are assigned to specialized claims processors.

**17. According to a PowerPoint slide deck from a July 2019 briefing entitled, "Procopio and H.R. 299 Update for House and Senate Appropriations Committee Staff," for FY2020, VA has requested an additional 1,114 FTE that it will dedicate to BWN claims, until some subsequent point when it plans to allocate 400 FTE to manage the BWN workload.**

**a. Please describe the data or model VA used to determine that 1,114 FTE is the appropriate number of FTE to start with for BWN claims.**

**VA Response:** VA used workload projections and work-rate standards, based on historical data and program expertise, to determine Full-Time Equivalent (FTE) requirements as follows:

- An additional 756 FTEs include 404 Veterans Service Representatives (VSR) and 352 Rating Veterans Service Representatives (RVSR) are required to process increased workload. Workload projections were based on Veteran and survivor caseload for both new and retroactive benefits. Work-rate standards provide the basis for VSR and RVSR hour estimates for each workload category accounting for varying claims complexity.
- An additional 3.0 FTEs for Pension and Fiduciary field examiners.
- An additional 209 FTEs include management, support, and quality assurance staff based on ratios commensurate with the number of VSRs and RVSRs.
- An additional 74 FTEs for the National Call Center (NCC) are based on an estimated call volume of 480 thousand calls. NCC FTE projection to effectively manage Veteran interactions is based on the number of claims expected to be received, average number of calls per the life of the claim, and projected talk time to address complex claim issues.
- An additional 72 FTEs will address policy and procedure changes, training development and delivery, quality and consistency studies, communications and outreach, and system improvements and development.

**b. At approximately what date does VA anticipate that it will only require 400 employees to handle BWN claims?**

**VA Response:** Based on estimated receipt volume, VA anticipates 1,114 FTEs will be needed in FY 2020, and this figure will decrease to 601 FTEs in FY 2021 and just over 400 FTEs in subsequent fiscal years.

**c. Will any of these FTE be devoted to processing claims for veterans who served near the Korean D.M.Z., or for children of veterans who served in Thailand and who were born with spina bifida.**

**VA Response:** Claims related to spina bifida will remain centralized to the Denver RO. Claims from Veterans who served near the Korean Demilitarized Zone (DMZ) will be reviewed by claims processors at the centralized BWN ROs. Once Korean service is documented, the claim can be completed at any RO.

**18. Which contractor company or companies are performing the deck log scanning and transcription work?**

**VA Response:** The Prime Contractor is GDIT, and the Subcontractor is Exela Technologies.

**a. Please detail how the contractor(s) are specifically qualified for the task of transcribing the information from the deck logs so that it can be used for the ship**

**locator tool.**

**VA Response:** GDIT with Exela Technologies currently performs high-quality, high-speed scanning and data extraction for VBA under the Intake, Control, and Mail Handling Services contract as well as the Records Management Center-Extraction and Scanning Services contract. This Managed Service contract is in compliance with VA contract security, National Archives and Records Administration facility and security requirements, as well as all VA Information Security and Privacy requirements in order to safeguard Veteran information. The existing transportation, document control, scanning, and data extraction requirements are similar to, with minor exceptions, their existing scanning and data extraction work on Centralized Mail, Claims Files, Service Treatment Records, Vocational Rehabilitation and Employment, and Education folders. By leveraging an existing contract with proven capability and existing infrastructure, VBA's Office of Business Process Integration (OBPI) was able to rapidly execute a contract modification to add the scanning and data extraction from archival deck logs. OBPI facilitated requirements sessions with GDIT and VBA's Performance Analysis and Integrity Office to identify data elements necessary to support functionality within the BWN ship locator tool. As a result of the swift action and utilization of existing resources, VA was able to proactively ensure the deck logs were available to support the processing of BWN Claims on January 1, 2020.

**19. Please detail VA's plans to provide additional or refresher training and guidance to claims processors regarding how to properly develop BWN cases that were impacted by the 1973 fire at the National Personnel Records Center.**

**VA Response:** BWN claims development for records impacted by the 1973 fire at the National Personnel Records Center (NPRC) are identical to any other type of claims development for NPRC fire-impacted records. VBA regional office employees know the proper process to follow and will follow the guidance in M21-1 III.iii.2.E. to request information to reconstruct medical data and other records.

**20. Please explain whether BWN cases that were impacted by the 1973 fire will be handled by a specialized team of employees.**

**VA Response:** Yes, these claims will be handled by the specialized Records Research team members located at the BWN ROs.

**21. How will VA verify that claims processors completed the required BWN training prior to the implementation of the law.**

**VA Response:** VA has assigned Talent Management System (TMS) numbers to each of the BWN training courses and assigned the appropriate classes of employees to each of these training courses. VA is tracking these data by pulling training completion reports from TMS. VA released the BWN training courses to



employees on December 2, 2019, and published recordings of the training courses for any employees who were unable to attend the live scheduled training sessions.

**22. How many Korean DMZ claims does VA believe it will receive under the BWN Act?**

**VA Response:** VA expects to receive very few Korean DMZ claims based on P.L. 116-23. Under current regulations, Veterans who served in certain units on the Korean DMZ between April 1, 1968, and August 31, 1971, are presumed exposed to Agent Orange and are eligible for disability benefits associated with that exposure. P.L. 116-23 codified in statute the existing regulatory provisions, while also expanding the start of the time period of presumptive exposure by 7 months, from April 1, 1968, to September 1, 1967, effective January 1, 2020. Data are not available to determine the number of Veterans who served in the Korean DMZ within the additional 7-month timeframe, who would not already be eligible for disability benefits based on service in the Korean DMZ between April 1, 1968, and August 31, 1971. However, VA anticipates that the impact from expanding the effective date would be insignificant for budget purposes.

**23. Does VA believe that Korean DMZ claims filed under the BWN Act will need to be handled by a specialized team of employees?**

**VA Response:** Claims from Veterans who served near the Korean DMZ will be reviewed by claims processors at the centralized BWN ROs. Once Korean service is documented, the claim can be completed at any RO.

**24. Please describe VA's plan to conduct training for employees who will be processing Spina Bifida claims for children of veterans who served in Thailand that may have been exposed to herbicides.**

**VA Response:** The Denver RO will process Spina Bifida claims for Veterans exposed to herbicides by their service in Thailand in the same manner they currently process Spina Bifida claims.

Department of Veterans Affairs  
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