

**STATEMENT OF BLAKE C. ORTNER,  
ASSOCIATE LEGISLATIVE DIRECTOR,  
PARALYZED VETERANS OF AMERICA  
BEFORE THE HOUSE COMMITTEE ON VETERANS' AFFAIRS  
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS  
CONCERNING  
THE ROLE OF NATIONAL, STATE AND COUNTY VETERANS' SERVICE  
OFFICERS IN CLAIMS DEVELOPMENT**

**JULY 19, 2006**

On behalf of Paralyzed Veterans of America (PVA) I would like to thank you for the opportunity to testify today on the role of national, state and county veterans' service officers in claims development. PVA takes claims processing very seriously and believes the use of local service officers who can provide detailed assistance to veterans pursuing claims with the Department of Veterans Affairs (VA) is a critical mission of Veterans Service Organizations (VSO). PVA appreciates the added focus that this Subcommittee has placed on improving the claims adjudication process, particularly the consistency of claims decisions.

Through 60 years of service Paralyzed Veterans of America has developed a unique expertise on a wide variety of issues involving the special needs of our members, veterans of the armed forces who have experienced spinal cord injury or dysfunction. PVA uses our expertise to be a leading advocate for quality health care for veterans, research and education addressing spinal cord injury and dysfunction, benefits available as a result of a veteran's military service, and civil rights and opportunities which maximize the independence of all people with disabilities. One of the services PVA provides is assistance to veterans as they navigate the maze of rules and regulations associated with submitting claims for veterans' benefits and compensation.

PVA maintains a Veterans Benefits Department (VBD) which provides assistance and representation, at no cost, to veterans with a spinal cord injury or dysfunction and other veterans seeking health care and benefits for which they are eligible. This assistance is offered through a network of 58 service offices located at VA Medical Centers and Regional Offices. PVA employs 76 National Service Officers (NSO) many of whom are spinal cord injured and can also offer first-hand perspectives and advice on living with a disability. They provide services to veterans and part of their job is to help veterans file benefit claims or pursue appeals of denied claims.

In 2005, our NSOs conducted more than 23,000 counseling sessions and served more than 20,300 paralyzed veterans and their family members. Additional assistance was provided to another 12,093 severely disabled veterans, their families and survivors. Our assistance to service members returning from Iraq and Afghanistan increased in 2005. Our Field Services staff ensured that these service men and women received assistance early in their rehabilitation

process. In addition, our NSOs conducted more than 15,000 visits to paralyzed veterans in hospitals and nursing homes logging more than 206,000 road miles throughout the country. PVA takes this program very seriously and our service officers undergo extensive training prior to being assigned to assist PVA members, their families, and other veterans.

The VA sets requirements for organizations to be approved to provide assistance to veterans. These requirements are contained in 38 CFR 14.628 (d) and 14.629 (a). These regulations contain sufficient requirements for organizations to meet, but only if they actually comply with the regulations. If VA does not ensure these requirements are met, then veterans may be receiving inadequate assistance. While PVA exceeds all VA requirements for training and accreditation, variances in level of training and competence of other veterans' representatives, including state and county veteran service officers, can be extreme.

PVA is especially concerned about accuracy in claims. This is one of the reasons that PVA emphasizes extensive training of our service officers. PVA takes great pride in the training program that we have developed to ensure that veterans seeking benefits get the absolute best representation possible. Our NSOs participate in a rigorous training program. New service officers are designated as NSO Candidates and undergo a 16-month on-the-job training program. Each candidate is paired with an experienced NSO supervisor at a local VA Medical Center or Regional Office. Throughout the training program, candidates take courses to improve medical knowledge as well as ever greater exposure to actual case work. They learn relevant federal regulations and codes and learn how to prepare a claim. The candidate must pass a series of quizzes and exams during the program. In order to be certified as a PVA NSO II, the candidate

must pass a comprehensive final exam. The NSO takes a more extensive exam after 18 months to be promoted to NSO III, and after a second 18 months takes another exam to be promoted to Senior NSO. We believe that our rigorous and standardized training is a vital component to the success of this program.

But NSO training does not end there. PVA conducts ongoing regional training as well as participation in VA training at the local level. This allows PVA service officers to be familiar with the training of VA personnel and also permits valuable interaction with VA claims processors and other staff to identify issues they are seeing from outside of the VA. PVA believes this interaction is another critical aspect of our service program.

PVA NSOs complete the VA Training, Responsibility, Involvement & Preparation (TRIP) program as well as annual Cybersecurity training which has gained even greater attention in light of the recent compromise of veterans' data. Ongoing training also includes 28 hours of annual National Service Officers Continuing Education Program training. Health care training continues with Advanced Medical & Advocacy Training (AMAT) which incorporates a 9-day in-hospital program. Finally, selected service officers complete a two week training tour at our Board of Veterans Appeals office.

PVA's NSO program is divided among four primary regions. Our first priority for assignment of NSOs is VA Medical Centers that have a Spinal Cord Injury Center. Service officers are then placed in areas with a high population of our members or other veterans, particularly cities such as Las Vegas, Orlando, and Philadelphia. It is important to understand that this system is most

effective because it is maintained and supervised at the national level. This provides for important uniformity and speedy dissemination of vital information. PVA has made every effort to place our service officers where they can most effectively serve our members and all veterans.

However, from the veterans' viewpoint, what are the benefits of these local representatives?

Several of our service officers have expressed concern that the time it takes to develop claims seems to be getting longer all the time. They work to ensure all the evidence necessary to grant a claim is initially presented allowing a more rapid decision on a claim. Without their expert guidance, a veteran will have to react over and over again to requests from VA for additional information to complete the claim, or the claim may simply be summarily dismissed due to lack of adequate documentation. This occurs particularly when processing claims regarding simple issues. These issues may include adding or removing a dependent from a claims file, approving the Specially Adapted Housing Grant or adaptive automobile grant, or reducing a veterans' aid and attendance benefits when a veteran remains hospitalized for a long period of time to prevent an overpayment. Our service officers voice a great deal of frustration with VA Regional Office staff who do not take action even after being notified that they have all evidence necessary to make a simple decision. Service officers may get action on many of these issues. Meanwhile, a veteran without representation, or with inadequate representation, may be at a loss for why it is taking so long.

Because of the ongoing challenges of the VA claims system, PVA does not limit our training to our own service officers. If requested, PVA NSOs will provide training to other local, state and county veterans' service officers in all areas of claims development, special monthly

compensation, pension, or any field that the local, state or county office believes their service officers may need additional knowledge. This not only provides additional information for these local service officers, but it also ensures a level of consistency with claims preparation.

Additionally, PVA provides training at the annual National Association of County Veterans' Service Officers meeting. Because of our expertise in the area of special monthly compensation, PVA has traditionally provided this specialized training at these valuable meetings. PVA's manual, *A Guide to Special Monthly Compensation Under Title 38, U. S. C. (7<sup>th</sup> Edition)* is highly regarded as an excellent training resource by Veterans Service Organizations and Service Officers and is posted on the Veterans Benefits Administration (VBA) training website.

There are a number of challenges facing veterans as they weave their way through the maze of claims preparation. A distinct challenge is that many county service officers are political appointees. The appointees often justify their existence, and therefore their budgets, by the number of claims filed. PVA believes many of these claims are submitted without regard to merit. This not only clogs the VA system, but discredits claims coming from these offices and is a disservice to the veterans they serve.

This is not only a concern to PVA. During a May 2006 presentation to the National Association of State Directors of Veterans Affairs meeting, a commitment was made by PVA, the American Legion, Disabled American Veterans and AMVETS to support training for state and county VSOs. If this program is funded, our organizations could develop a joint training program, possibly online, which states and counties could use to support accreditation of their service officers. This would go a long way to increase the professionalism and consistency of claims

preparation and would be a tremendous service to those veterans who have served their nation so well.

Another challenge is the lack of appeals representation at the national level for county and state VSOs. This hinders a claimant's opportunity to succeed at the appellate level. Because of the significant number of errors in VA claims, this lack of appellate possibility can create an almost insurmountable roadblock to a veteran's claim being granted.

Thousands of America's veterans benefit everyday from the programs provided by Veterans Service Organizations. Though these programs may vary widely, they are critical for disabled veterans to navigate the myriad of rules and regulations of VA benefits programs and claims preparation and processing. The critical requirement to making these state and county VSO programs successful and to provide proper service to our veterans is training. Without an adequate level of initial training, follow-up training, and appropriate oversight and accreditation of VSOs by VA, a valuable service for veterans can potentially cause more delay rather than shorten the time needed for claims processing.

PVA would like to thank you again for the opportunity to testify. We would be happy to answer any questions that you might have.

**Information Required by Rule XI 2(g)(4) of the House of Representatives**

Pursuant to Rule XI 2(g)(4) of the House of Representatives, the following information is provided regarding federal grants and contracts.

**Fiscal Year 2006**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation — National Veterans Legal Services Program— \$252,000 (estimated).

**Fiscal Year 2005**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation — National Veterans Legal Services Program— \$245,350.

Paralyzed Veterans of America Outdoor Recreation Heritage Fund – Department of Defense – \$1,000,000.

**Fiscal Year 2004**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation — National Veterans Legal Services Program— \$228,000.

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Blake Ortner is an Associate Legislative Director with Paralyzed Veterans of America (PVA) at PVA's National Office in Washington, D.C. He represents PVA to federal agencies including the Department of Labor, Office of Personnel Management, Department of Defense, HUD and the VA. In addition, he is PVA's representative on issues such as Gulf War Illness and homeless veterans, and he coordinates issues with other Veteran Service Organizations. He also served as the disability advisor for the dedication ceremonies of the Korean War Veterans Memorial.

He has served as the Chair for the Subcommittee on Disabled Veterans (SODV) of the President's Committee on the Employment of People with Disabilities (PCEPD) and as a member of the Department of Labor's Advisory Committee on Veterans' Employment and Training (VETS) and the Veterans Organizations Homeless Council (VOHC).

A native of Moorhead, Minnesota, he attended the University of Minnesota in Minneapolis on an Army Reserve Officer Training Corps (ROTC) scholarship. He graduated in 1983 with an International Relations degree and was commissioned as a Regular Army Infantry Second Lieutenant. While stationed at Ft. Lewis, WA, he served with the 9<sup>th</sup> Infantry Division and the Army's elite 2<sup>nd</sup> Ranger Battalion. He left active duty in September 1987.

He continues his military service as an Infantry Lieutenant Colonel in the Virginia Army National Guard and currently serves as the Brigade Executive Officer for the 116<sup>th</sup> Infantry Brigade Combat Team. In 2001, he served a 9-month deployment as part of the SFOR 10 peacekeeping mission to Bosnia-Herzegovina. He returned in July 2005 from a year commanding an Infantry Battalion Task Force in Afghanistan.

Mr. Ortner resides in Stafford, VA with his wife Kristen, daughter Erika and son Alexander.