

Summary of H.R. _____
A Bill Offered by Mr. Hall

Veterans' Disability Benefits Claims Modernization Act of 2008

The purpose of this bill is to modernize the Department of Veterans Affairs (VA) disability benefits claims processing system to ensure accurate and timely delivery of compensation to veterans, their families, and survivors.

Section 1 - SHORT TITLE

- This Act may be cited as the “Veterans’ Disability Benefits Claims Modernization Act of 2008.”

Section 2 – FINDINGS

- There are almost 24 million American veterans of which 2.9 million receive VA compensation.
- There is a claims backlog and the waiting times for decisions have increased.
- VA must modernize its Veterans Benefits Administration (VBA) to reflect 21st century technologies and practices.

Section 3 – MATTERS RELATING TO MODERNIZING THE DISABILITY COMPENSATION SYSTEM OF THE DEPARTMENT OF VETERANS AFFAIRS

- Service Connection Presumption -- Creates a presumption of a stressor based on combat zone service for veterans diagnosed with posttraumatic stress disorder (PTSD) upon enactment.
- Rating Schedule Revision -- VA shall study the VA Schedule for Rating Disabilities (VASRD) and present a plan within 120 days to Congress that will revise the VASRD within 3 years using current medical and technological concepts, practices, and standards.
- Rating Schedule Study -- This study shall take other recent reports into consideration and will also include the loss of quality of life and earnings capacity.
- Advisory Panel -- The plan will require the establishment of a VASRD 15-member Advisory Panel of leading experts who will manage the processes of revising and updating the VASRD.

- Work Credit and Management System – VA shall report to Congress on its workflow management system and describe its focus on accountability and quality and incorporates information technology
- Certification – Establishes the requirements for VA to provide rating officials with training and mandates a certification examination.
- Quality Assurance -- VA shall be required to institute a quality assurance program that measures accuracy, consistency, and reliability of each regional office and tracks trends.
- Fully Developed Claims – VA shall set a policy within 180 days of enactment for veterans to submit claims and declare them ready to rate with no additional information available and for VA to create a checklist for specific requests of additional evidence.
- Employing Medical Professionals – Allows VA 90 days to study the parameters for the VBA to hire medical professionals.
- Prestabilization Ratings -- Codifies the requirements for VA to provide prestabilization ratings for veterans within 30 days of enactment.
- Information Technology – VA shall develop a plan to implement artificial intelligence and decision support software within 1 year to enhance its claims processing capabilities and rate claims within 90 days.
- Claimant's Death – Allows a survivor to designate a different eligible dependent to act as the claimant in order to continue a claim upon the death of a veteran upon the enactment of this act.

Section 4- MATTERS RELATING TO TRANSITION FROM SERVICEMEMBER TO VETERAN

- Pilot Study -- VA and DoD shall provide an interim report in 3 months and a final report within 6 months on the results of a pilot study chartered under NDAA and the recommendations of other reports.
- Single Exams – Ensures that there will be a single disability examination process in which the military branches determine fitness for duty and VA rates level of severity percentage within 1 year of enactment.
- Exam Funding – Requires VA and DoD to share in the costs of the exam process.

Section 5 – MATTERS RELATING TO THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

- Annual Report – Mandates the Court to report its workload data to Congress upon enactment.
- Court Authority – Modifies the jurisdiction and finality of the Court’s decisions on veterans’ claims.
- Class Actions – Allows the Court to hear class action suits brought forth by veterans and establishes procedural requirements.
- Fees – The Court may award reasonable attorney fees for these actions.

Section 6 – OTHER MATTERS

- Sets 180 days for VA to submit a plan for implementing this act.