

VA Regional Office
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES (AFGE)
LOCAL 520
AFFILIATED WITH THE AFL-CIO
PO BOX 1778
COLUMBIA, SC 29202

December 23, 2011

General Allison Hickey, Under Secretary for Benefits
Office of the Under Secretary
810 Vermont Avenue, NW
Washington, DC 20420

Dear General Hickey:

This letter is to express concerns from American Federation of Government Employees Local 520.

Since 2001, Local 520 has raised its concerns about the creation, posting, and the filling of positions at the VARO Columbia and the lack of accountability by the VBA leadership.

The VARO actions of the past decade and the lack of accountability by the VBA leadership have adversely affected the Veterans of South Carolina, claims processing and the morale of employees and their ability to reach their full potential.

For nearly a decade these words of the CPI implementation plan laid dormant, "One of the overarching themes in all of the Recommendations in the Task Force Report was accountability for all employees, from the leadership in Central Office to the mail clerks in the RO. We couldn't agree more. The Task Team strongly believes in order to hold people accountable you must be able to measure their performance. The most effective way to measure performance is to ensure effective measurement systems are in place. To be effective, those systems must be measuring the same things. This cannot happen if each RO is allowed to organize the claims process differently from other ROs and create, post and **fill positions** differently from those used in other ROs. Uniformity in decision-making and standardization in RO organizational structure are musts."

The VBA leadership has failed in standardization of the RO's organizational structure.
See Encl

The events of the past 6 months and the preparation for the rollout of the Transformation Plan have caused Local 520 to go on the record again to highlight the past in an effort to change the present.

Local 520 would like to address the Decision Review Officer (DRO) position first. However, before the gravity of the problem can be seen, we must share the history.

- **On November 5, 2001, the Honorable Lane Evans, Ranking Democratic Member of the US House of Representatives Committee on Veterans' Affairs wrote a letter to VA Secretary Anthony Principi stating, "The Columbia, South Carolina, Veterans Affairs Regional Office has the welcome distinction of having the highest percentage of claims reversed or repealed by the Board of Veterans Appeals (the Board) in Fiscal Year 2001. Consequently, it is inexplicable that the Department of Veterans Affairs (VA) recently rewarded the Columbia Regional Office, for its high "productivity." While you undoubtedly desire to improve the timeliness of claims processing, rewarding an office with a long history of quickly decided erroneous decisions is **bad for veterans** and **unfair to dedicated employees** in VA regional offices who have demonstrated a commitment to "getting it right the first time."**
- Furthermore, he stated, "On October 12, 2001, the VBA Office of Field Operations issued a letter identifying the "most productive stations", directing that work be brokered to those stations and providing overtime for those stations identified as the "most productive." Unfortunately some of the "most productive" stations are also the most error-prone. For example, the Columbia, South Carolina Regional Office, the most productive office, has a high percentage (28%) of claims appealed. Five out of every six appeals from Columbia decided in FY 2001 resulted in a reversal or remand, with the regional office's action affirmed by the Board for less than 17% of the Columbia claims."
- Former VA Secretary Principi's response and defense of Columbia can be found at www.seniorvsvr.com Documents - Letters.
- **However, a December 2001 C&P Site Visit made this recommendation , "Columbia has too many pending appeals and remands. Greater emphasis needs to be placed on reducing the appellate workload on station, especially the remands. Division management should fill **three more DRO slots...**"**
- On December 13, 2001 Mr. John Pittman, Local 520 President, wrote a letter to the Honorable Congressman Lane Evans stating, "We are also concerned about rewarding an office with a long history of quickly decided erroneous decision and we feel it is not only bad for veterans we serve but also **bad on the employees who have a dedicated commitment to serve our veterans and do it right the first time.**"
- When the CPI was implemented at the Columbia August 2002, the RO had 2 DROs and one more was added in 2003.
- On August 10, 2005, the DAV sent a letter to the Honorable R. James Nicholson stating, "The number of appeals rose because VA pushed for production and an increased case output."

- In 2005, an internal RO study regarding the appeal/remand problem at the VARO Columbia was conducted by James Ard, Coach Rating Team 2, he now is the VSCM, and Larry Jordan, Assistant Coach. It states, “The number of DROs assigned is too small to effectively deal with the large number of appeals and remands this station has to handle. Recommendation 3 states, “Increase the number of DROs and consider specialization within the appeals team for certification.”
- On July 12, 2005, Vacancy Announcement No. 2005-129-SC, DRO, GS-930-13 (Temporary Promotion Not-to-Exceed-1-year) was posted. Two RVSRs were selected, but the position was terminated after only a few months because these employees were need to rate cases.
- During a August 2006 Southern Area site visit, Local 520 raised the DRO issue with Southern Area Director Mike Dusenbery as suggested by the former Under Secretary of Veterans Benefits Admiral Cooper in his response to a letter sent to him by Local 520.
- On November 13, 2006, Vacancy Announcement No. 2007-07-SC DRO, GS 930-13 Permanent was posted. One DRO was selected.
- A DRO retired in 2008 and his position was backfilled.
- In February 2010, a GS13 Coach was laterally transferred to the DRO position, but was placed on the newly created Accuracy Review Team (ART) in April 2010.
- In November 2011, another DRO retired.

Vacancy Announcement 319-11-209-RU481373 was announced on June 3, 2011 for 1 DRO GS-0930-13 position. Local 520 had to file a grievance because the RO tried to eliminate qualified RVSRs. As a result, the announcement was cancelled and a new announcement was made.

Vacancy Announcement 319-11-209A-RU481373A was posted in August 8, 2011. The announcement resulted in 16 employees being qualified and referred – 12 females (8 Blacks 4 Whites) 4 males (3 Whites 1 Black). After a promotion panel, 11 employees were referred – 9 females (7 Blacks and 2 Whites) and 2 White males. **However, a selection has not been made yet.**

The VARO has more Assistant VSCMs GS14 (5) than DROs (4). Furthermore, one of the DROs is assigned to the Accuracy Review Team (ART) as a local STAR reviewer.

The Columbia VARO has deprived qualified RVSRs the opportunity to compete for the DRO position for nearly a decade.

The DRO position was designed to reduce the number of appeals. However, the understaffing of this position has adversely affected the Veterans of South Carolina. The current numbers reflects the story: over 4500 Appeals, over 2500 NODs, 846 DeNovo Review and 398 formal hearing pending. Veterans who filed appeals deserve to have them processed expeditiously as well.

A review of the DRO positions by VBA stations confirms that the Veterans of South Carolina and VARO employees have been shortchanged. When San Juan, PR with a **FTE of 140** has 7 DROs, but Columbia has 4 with only 3 working as DROs speaks volumes.

Just to prove that the DRO position is not aberration, let examine some other positions.

The Senior Veterans Service Representative (SVSR) (GS-12) position shows the same pattern.

- On August 15, 2002, Local 520 President John Pittman sent a letter to the Director Carl Hawkins Jr. stating, "We are concerned that the local plan is not creating the positions required by the Final Claims Process Improvement Plan that is on the OFO website. Specifically, we are talking about Claims Assistants, Super Seniors, and Assistant Coaches."
- On September 13, 2002, Mr. Hawkins responded as follows: "The CPI plan, as first drafted, has already undergone numerous changes as well as interpretations from OFO, making it a work in process. On August 21, 2002, we again received confirmation from OFO that the Claims Assistant and Super Senior positions should be filled as local resources permit and at the stations discretion. Discussions with many other directors indicate their plans are consistent with Columbia's"
- On October 4, 2002 an email was received from Director, OFO Mike Walcoff, stating "Where the CPI model calls for Sr. Authorizers and Claims Assistant positions, station will be required to fill them. We are getting Tables of Organization from every station and will review their staffing."
- On February 28, 2007, the former VSCM John Ballenger sent an email to all the SVSRs reference a staffing adjustment. He stated, "I am asking each of you to consider a reassignment to the Rating Board as a RVSR GS-12. Local 520 filed a ULP because of management's failure to bargain over the change and the issue went away.
- Four (4) of the 5 SVSRs retired during the period 2008 thru 2009. The positions were **never** backfilled. Since 2009, the RO had 1 SVSR GS-12. In April 2010, the only SVSR was placed on the newly created ART.

- Vacancy Announcement 319-11-208-RU480984 was posted on June 1, 2011 for one Senior Veterans Service Representative (GS12) position. The position was filled on or about September 25, 2011. The employee was placed on the ART.
- Vacancy Announcement 319-12-65-RU563465, Senior Veterans Service Representative (GS12) Temporary Promotion NTE 1 year was posted for 2 positions on November 16, 2011. It was cancelled on December 5, 2011. The reason given was “The announcement will be reissued under the correct PD on National QRT guidelines.” On December 5, 2011, Vacancy Announcement Veterans Service Representative (Auth Quality Review Spec) was posted for 12 vacancies.
- The SVSR’s PD introduction states, “The incumbent serves as SVSR for a claims team within a section of the VSC. Responsible for the review and authorization of a full range of claims of a larger scope of responsibility which are unusually complex cases or those of a very sensitive nature involving novel issues, to include any appellate reviews related to contested claims. Serves as the team mentor to lower-graded VSRs providing a comprehensive level of technical advice and guidance on complex authorization issues. Responsible for analyzing data associated with national program reviews, WIPP reviews, and STAR Reviews. Supports team efforts by analysis of workload and recommend strategies for workload management.”

Who have been performing the duties of the SVSR? Has the VBA eliminated this position?

A Compensation and Pension Service Memorandum dated July 11, 2005, Subject: C&P Site Visit to the Columbia Regional, the VARO was directed to place an Intake Specialist (Claims Assistant) in the Public Contact Team reception area as soon as feasible or make formal request for a deviation from the CPI Model and gave them 60 days to complete the action.

The report also stated, “The VSC organizational chart currently indicates there is no Intake Specialist assigned to the unit although that is a requirement in the CPI model. The CPI chart lists a Claims Assistant (CA) who can serve as back up for the Intake Specialist. One VSR is assigned to conduct personal interviews with another VSR as back up. We found that in addition to his interview duties, that VSR serves as an Intake Specialist. He stocks the shelves with pamphlets, provides eligibility letters (income statements, verifications of military service, etc.) to veterans and their dependents, and maintains the personal interview logs. That, in essence, results in a GS-10 employee routinely performing the functions of a GS-7 employee.”

The position was not filled neither was a formal request made. Therefore, Local 520 requested a copy of the formal deviation request for the Intake Specialist position. As a result, management finally posted the position in December 2005.

The denial of minority veterans GS4 employees to advance to the Claims Assistant position has a long history since the implementation of CPI in August 2002. There are currently 5 CAs at the Columbia Regional Office.

If it had not been for Union grievances and an EEO settlement they would only be 1 CA in the Appeals Team. However, the pre-determination teams, post determination teams, and rating teams never had a CA position filled. Furthermore, the GS5 CA position in the public contact team was never filled. They were posted on the organization chart after Mr. Walcoff's email, but were removed in 2003 without a request for deviation.

On July 7, 2011, 3 CAs were given the primary duties of attaching mail and 1 CA is transferring files to the VAMC and Brokered ROs which is taking the majority of the time. They are all minority disabled veterans.

Since August 2002, VSRs to include certified GS11 have been performing lowered graded CA GS5 and 6 duties. The same scenario cited by the C&P site visit regarding the Intake Specialist position is appropriate for the CA position at the Columbia VARO. Again, please review the number of CAs by VBA stations.

The internal position of RVSRs also has a storied history. If it was not for the hiring freeze, the elimination of the Career Intern Program and a VBA mandate to hire more RVSRs, the VSRs at the Columbia Regional office would still have limited opportunities for advancement to the RVSR position as shown by the numbers for the period 2007 - 2009.

- External Career Interns – 25
- Internal Selection 2009 - 6

Since the hiring freeze and the VBA mandate, internal selections are as follows:

▪ Announcement No. 2010-183-SC	2
▪ Announcement No. 2011-15-SC	8
▪ Announcement No. 2011-113-SC	10
▪ Announcement No. 2011-114-SC	2
▪ Announcement No. 319-11-157-RU 462416	<u>12</u>
	34

This is one of the reasons that Columbia's RFD is over 6700 and RFD claims are being brokered out. Years of depriving internal VSR employees the opportunity to advance to the RVSR position as an affect.

Recently employees contacted the Union reference a Program Support Assistant GS6 on the VSCM's staff with a little over one year on Station who was transferred to a Staff Assistant position in the Director's office without an internal merit promotion announcement. A FOIA request to the HRC-Jackson reveals that there was no announcement made.

There were also questions about the a former Staff Assistant GS9, with a little over two years on Station, who was promoted to a newly created Program Specialist (Records Management Officer) GS11 in the Director's office. The vacancy was requested for the Support Services Division (SSD) to replace an incumbent selected for another position. Three employees were selected to include the former Staff Assistant.

Local 520 wanted to give some context and background why the staffing of the QRT position, the IPC, and other teams of the Transformation Plan are major concerns.

On December 5, 2011, Veterans Service Representative GS12 NTE 1 year (Auth Quality Review Spec) was posted for 12 vacancies.

On December 9, 2011, Decision Review Officer (Rating/Appeals Quality Review Specialist) GS12T13 or GS13 NTE 1 year was posted for 8 vacancies.

After Local 520's past experience with the staffing under CPI, the posting of the QRT positions, no written implementation plan on the QRT, a lack of urgency given to briefing employees on the Transformation Plan and the action the Union had to take to get them started, and the Transformation briefings given by Assistant VSCMs, Local 520 submitted a demand to bargain regarding the QRT.

After filing a demand to bargain over the impact and implementation of the QRT, Local 520 had a meeting with the Assistant Director and VSCM. They called it a pre-decisional meeting.

Local 520 was told that no implementation plan has been received for the QRT. Furthermore, Local 520 was told that only minimum correspondence has been received and the RO has participated in conference calls on the subject.

The recently implemented Management and Program Analyst (Change Management Agent) position is not the answer. If anyone thinks that a GS12 with less than 5 years of VSR experience, all served on the predetermination team, will coordinate a Transformation Plan at the VARO Columbia when the VBA leadership cannot control VAROs, then the Transformation is heading for an iceberg and will suffer the same fate as the unsinkable Titanic.

If this is the way the VBA is implementing the Transformation Plan, then it will suffer the same fate as the BPR and the CPI.

The former Under Secretary Admiral Cooper understood, but could not break the plague that continues to infect the VBA claims processing. Here are his words, "If there is one word that I will hang my hat on - and we mention frequently in the [task force] report and I mention it ad nauseam in any talk I give - it's accountability," Cooper says. "I honestly felt that there was not sufficient accountability everywhere. I was convinced that when headquarters said 'everybody do this,' 57 different offices set up the polling machine and they all voted." *Reversing Reinvention* Government Executive June 15, 2003

Those that fail to learn from history, are doomed to repeat it. - Winston Churchill

The Regional Offices' autonomy and the inability of Central Office to hold them accountable are cancers that have metastasized to every pillar of the VBA claims processing and employees' health and welfare. The VARO Columbia epitomizes the problem. Therefore, the claims processing at VARO Columbia continues to decline and employees' career opportunities and morale have been paralyzed.

Consequently, the Veterans of South Carolina continue to suffer irrevocable harm by an organization that motto is "To Care for him who shall have borne the battle and for his widow and his orphan..." and continues to promote VA Core Values and Characteristics.


General Hickey, the Union poses these questions to you:

- Will the VBA leadership continue to allow its cancers to metastasize to the Veterans of this Nation?
- Will the VBA leadership continue to allow claims to be processed differently from RO to RO?
- Will the VBA leadership continue to allow RVSR production standards to vary from one station to another resulting in one employee being placed on a PIP and another employee at a different station with the same numbers meet their standard?
- Will VBA leadership continue to allow employees and veteran-employees to be treated differently from RO to RO?
- Will the VBA leadership continue to allow ROs to organize the claims processing differently?
- Will the VBA leadership let history repeat itself?

Local 520 looks forward to hearing from you on these matters.

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Sincerely,


Ronald Robinson
AFGE Local 520
President

President George Washington said, "Few men have enough virtue to withstand the highest bidder."

Dr. Martin Luther King said, "Cowardness asks, is it safe, Consensus asks, is it popular, but Character asks, is it right."

The Bible says, "For as the body without the spirit is dead, so faith without works is dead also." James 2:26