

APPENDIX P

PRECONFIRMATION QUESTIONS FROM THE U.S. SENATE COMMITTEE
ON VETERANS' AFFAIRS TO HON. HERSHEL GOBER AND THE
RESPONSES:

QUESTION AND RESPONSE NUMBER 47

to any known clinical diagnosis. That regulatory definition is binding on VA and is used by both VBA and VHA.

Question 47. Please describe the coordination between VBA and BVA with regard to appeals on Persian Gulf claims.

Answer 47. As partners in VA's claims process, BVA and VBA work together to achieve the most efficient system consistent with high quality. With respect to Gulf War claims, both BVA and VBA have established special tracking systems which make sense in each organization's environment. Most recently, BVA's computer tracking system "VACOLS" (Veterans Appeals Control and Locator System) was made available to VBA's regional offices.

BVA assists VBA on substantive matters by distilling and transmitting lessons learned from a variety of appellate decisions. However, there have been few appeals of VBA decisions on Gulf War claims. Consequently, there is an insufficient data base from which to distill lessons learned specific to Gulf War claims.

Question 48. Preliminary data suggest a very high remand rate, possibly 80 percent, on claims in which the undiagnosed illness standard is an issue. Is this a concern at VA? If so, please describe what is being done to address it.

Answer 48. VA is concerned about the issue of remands for all types of claims. It is only recently that VA has discretely tracked disposition of appeals in which 38 CFR 3.317 was an issue. Consequently, the data available are limited and insufficient for defining a trend. However, as indicated in the table below, preliminary data suggest a remand rate of about 74 percent. Significantly, the appellate tracking mechanism will now permit us to prospectively monitor disposition trends on this category of appeals. Should the remand rate on this category of appeal prove to be out of line with the 45 percent standard for other appeals categories, we will respond with appropriate action.

In responding to this question, BVA searched its archived decisions for the period of January 1, 1995 through June 30, 1997. The table below indicates the results of this research.