Statement of Kristen Ruell
Authorization Quality Review Specialist
Pension Management Center
Philadelphia Regional Office

My name is Kristen Ruell. I work at the Philadelphia Regional Office as an authorization quality review specialist. I possess a law degree and have previously clerked for the PA Supreme Court.

Mr. Chairman, committee members, Veterans, and guests, I have been identified as a whistleblower. I started reporting various types of data manipulation and illegal payments and glitches in the VETSNET operating system, a system that is responsible for paying out VA benefits, since July 2010. SEE EXHIBIT 1. I have met with Congressman Mike Fitzpatrick's office, contacted the OIG, OSC, Department of Justice, Oversights and Investigations, the Secretary and Under Secretaries of the Department of Veterans Affairs, the IRS, ORM, EEO, the media and have filed many other complaints since July of 2010. SEE EXHIBIT 2. I discussed what I perceived as gross mismanagement at the Philadelphia Regional Office. I raised many issues, including but not limited to; the improper shredding of military mail, beneficiaries receiving improper and/or duplicate payments, illegal processes with the recovery of funds after an improper payment has been made and not returned, notification of IRS referral regarding waived awards in error, and various other gross misinterpretations of the law. Instead of solving the problems, I was-and continue to be-retaliated against by the VA. I have been targeted by the middle and upper management at the VA for over four years, despite the fact that the OIG recently confirmed all of these allegations, as is reflected in their testimony for today.

Significant problems arose after the conversion of the VA's operating system from the Benefits Delivery Network to the Vetsnet Operating System. The old system, the Benefits Delivery Network paid a recipient of VA benefits by a claimant's social security number. The new system, VETSNET, however relies on a PID (personal identification number). The PID is supposed to be a unique number assigned to one person only. However there is no way of determining if one individual has 2 or 3 PID numbers under 2 or 3 different names. Therefore, one individual could receive 2 or 3 times the payout and the system would never know unless the claimant self-reported duplicate payment or an employee noticed multiple payments for the same person.

The VA has incorrectly stated that the benefits received by a claimant, even if they are 2 or 3 times what the claimant is entitled to, are non-taxable. This is untrue. Only the first payment is not taxable. In other words, the IRS has lost money as a consequence of the overpayments and incorrect payments paid by the VA.

The payment of benefits by the VA under an incorrect Social Security number can result in significant problems for individuals who apply for other benefits with the Federal Government because of matching programs. These persons are told by other federal

agencies that, according to their Social Security numbers, they are already receiving benefits from the VA and therefore may not be entitled to other benefits. This can cause significant hardship to citizens entitled to benefits who, through no fault of their own, are listed under their Social Security numbers as receiving benefits from the VA when in fact, someone else is receiving those benefits.

The VA's problems are a result of morally bankrupt managers that through time and grade have moved up into powerful positions where they have the power to and continue to ruin people's lives. I can speak from experience. I do not believe in manipulating data to achieve monetary gain for myself while harming the Veterans and their survivors.

After receiving an email from an employee in the Philadelphia Pension Management Center's triage department regarding improper handling of military and returned mail, I decided to investigate. See EXHIBIT 2. I was told that boxes were being taped up to be sent to the shredder. The contents in the boxes were claims that allegedly could not be identified. There were 96 total boxes. An employee informed me that the mail could be identified; it just could not be *easily* identified. Philadelphia had huge amounts of returned and military mail that was not looked at for years, due to the claims assistants being on production. If a piece of mail could not be quickly identified, it was tossed aside until a later date when more time could be dedicated to identifying the mail. Because of the backlog, that day never came and the mail sat in boxes untouched for years. The law says after you attempt to identify it, you need to hold it for a year (this has veterans dates of claims on it to prove the date payment of benefits should start, etc...) and then it can be destroyed (but not if you do not try and ID it and only certain types of things may be destroyed after a process of attempting to ID) there were also many other things in those boxes and they just held it to be shredded without following proper procedures. I found out about it from various employees who were scared. I stayed late to open the boxes and took pictures, reported it to Washington and Congress, and was told no shredding was done because I could not prove I saw it being shredded (which no one could because the shredding happens on the truck). There was circumstantial evidence it was getting shredded...I was then targeted and instead of doing something about this, they enacted a policy of no picture taking in the building! I saw DD 214s in these boxes and easily identifiable mail, and other things that are not supposed to be shredded.

In 2013, the VA issued fast letter 13-10 regarding "found" or "discovered" claims. SEE EXHIBIT 4. A simple reading of this fast letter established that these claims would be few and far between. To qualify for a new date of claim, rather than using the date stamped when the claim actually arrived at a VA office, the claim had to be "undiscovered" and found in a claim's folder. Upon "discovery," a memo was to be attached and signed by three people, one being no less than an assistant director. Upon completion of the claim, an email was to be sent to VACO explaining the circumstances of the claim and why this claim was going to have an altered date of claim, a newer date. Additionally, the claim was supposed to be tracked in a program called MAPD, by way of a flash, which could be tracked. This fast letter was the VA's solution for solving the issues with the backlog, because by 2015, the VA promised that there would be no claims pending older than 125 days. The Philadelphia Regional Office took this fast letter to mean that they could change the dates of claims on every claim older than six weeks old,

regardless of the circumstances. SEE EXHIBIT 5. When investigated by the OIG, the Pension Center managers pled "ignorance" and stated that they misapplied and misunderstood the fast letter. Ironically, there is proof to the contrary.

One member of the Pension Center management team, a GS 14, was instructing her employees to change dates of claims for many years dating back to 2007! SEE EXHIBIT 6. She has managed to move up the ranks of VA management to now teach other management supervisors the tricks of the trade. How could someone make such important decsions regarding our tax payer dollars and our Veterans but not understand a simple fast letter? If this was not intentional, why did Philadelphia skip the steps that would identify the large number of these "memos" indicating a manipulation of the date of claim? Why is the only trace of these cases a paper memo? Why is there proof of the same illegal behaviors years before fast letter 13-10 was introduced? Because these behaviors are intentional. They are used to minimize the average days pending of a claim to make the regional offices numbers look better. A veteran should have a date of claim of 2009 in some cases, but because of this memo, the Philadelphia RO instead used a date of claim of 2014, therefore making the claim appear "new." He or she now has a recent date of claim, with no priority attached because the claim now has a new date of claim and will not show up on any reports for claims pending longer than 125 days. I personally witnessed supervisors state that they disagreed with these practices, but out of fear they complied, with thousands of these claim manipulations being done in the Philadelphia RO. I was appalled at the way this was manipulated and reported it through a friend that is now retired because of a VA settlement. This is currently being investigated, and demonstrates the systemic lack of morality haunting this agency.

I have been admonished and suspended because I was unable to work mandatory OT (I had a problem with child care one month) and labeled "fraudulent" by the Pension Center management, which after two and a half years were both reversed. No one else was given that severe of a punishment for things beyond their control. I was not promoted for a job when I was more qualified than at least one of the selectees and can prove it (and will because my case is pending an EEOC hearing). I was followed around the RO by management and my breaks were timed. An Assistant Pension Center Manager had my direct supervisor come outside and retrieve me from break, when we are permitted flex-time. I was falsely accused of slander. I was lied to on numerous times and "counseled." After my last whistleblowing attempt, my name was forwarded to the people I reported. The next morning, my car was dented and the following morning I came out to a big mess of coffee thrown on the hood and windshield of my car. Although I cannot prove that this was done by the people I reported, other employees and people that know how corrupt VA management is, agree that this could have been done by them in an effort to retaliate against me.

I am currently awaiting the resolution of both an EEO complaint and an OIG investigation. Without some resolution to either one of these situations, I am not sure what my future holds. After receiving an annual EEO / Whistleblowing email encouraging employees to report illegal activities as well as taxpayer waste, I contacted the numbers provided thinking I was doing something the Department of Veterans Affairs would appreciate. I had tried using the chain of command, to only find out that

the chain was corrupt. I did just that when I realized that the amounts of improper payments could be in the billions and included many supporting documents, sample cases, and case law. What I thought was helping the taxpayer, the agency, and the Veterans proved to be the exact opposite for me personally and the beginning of a horrible nightmare I have been living for four years. I noticed that this was not really what the VA wanted, and that they cover up nearly every impropriety to gain self-benefit via bonuses and promotions and they target anyone that steps in the way.

I noticed many employees around me were depressed and upon seeing me stick up for the Veterans, tax payer, and employees, others began to tell me horror stories of the Agency I was employed at. I am here because I care about Veterans and I care about the VA employees. The people that served our country and the employees that serve them deserve much more respect from the Department of Veterans Affairs.

I would like to thank you on behalf of myself and the many voices that could not be here today for my invitation to appear here.

Exhibit #1

[redacted]

From: [redacted]
Sent: Thursday, July 10, 2014 10:35 PM
To: Riley, Rory
Subject: Exhibit 1

Subject: Fwd: Potential problem

Four years later and nothing is fixed!

Sent from my iPhone

Begin forwarded message:

> **From:** "Ruell, Kristen M., VBAPHIL" <Kristen.Ruell@va.gov>
> **Date:** August 16, 2012, 4:23:22 PM EDT
> **To:** [redacted]
> **Subject: FW: Potential problem**
>
> P roof that I reported this "glitch" in 2010...Two years later it is still not fixed and they are still allowing Claimants to keep monies paid in error...
>
> ---
>
> **From:** Hodge, Gary, VBAPHIL
> **Sent:** Friday, July 23, 2010 2:33 PM
> **To:** Pomarico, Robert, VBAPHIL
> **Subject:** FW: Potential problem
>
> ---
>
> **From:** Gervalis, Danielle, VBAPHIL
> **Sent:** Friday, July 23, 2010 2:30 PM
> **To:** Hodge, Gary, VBAPHIL; Wright, Matthew, VBAPHIL
> **Cc:** Mills, Darrell, VBAPHIL
> **Subject:** RE: Potential problem
>
> I know there was an issue like this before. If I can get the file # we can submit something to the AWARDS mailbox and ask them to merge the corporate records. However, there isn't a "fix" for this. Triage received training on cesting corporate records prior to conversion. It is extremely important that they CEST cases correctly to avoid these types of problems.

From: Hodge, Gary, VBAPHIL
Sent: Friday, July 23, 2010 2:11 PM
To: Wright, Matthew, VBAPHIL; Gervalis, Danielle, VBAPHIL
Cc: Mills, Darrell, VBAPHIL
Subject: FW: Potential problem

Is the VETSNET team aware of this?

From: Pomarico, Robert, VBAPHIL
Sent: Thursday, July 22, 2010 12:08 PM
To: Hodge, Gary, VBAPHIL
Subject: FW: Potential problem

This is about multiple corp records.

From: Ruell, Kristen M.
Sent: Thursday, July 22, 2010 11:50 AM
To: Pomarico, Robert, VBAPHIL
Subject: Potential problem

Hello Rob,

I just wanted to report something that could be a potential problem in the future...This past week I have corrected three 029's. All 3 were paying the wrong amount (thank God it was vetsnet bc if they were in BDN we would never have caught this...) Specifically, I was working a sensitive 6 case in which I was the "gapper." The case was a widow running on DIC with 8x8 (paid 1400 from hypothetically 01-01-08) The only action I attempted to do was grant an additional allowance for A&A effective (hypothetically 05-01-10). This award should pay $286.00 more from May until the present ($1,686.00). The award looked correct as in dates, rates, and reasons, but the money was not correct. The award was paying approx $21,000! With vetsnet, we usually rely on the retro being correct bc it computes it and there is no reason to think it is not when we see it. This case was a red flag to me so I started to pay attention to the exact dollar amounts on every gap - esp 029's. I found 2 more that were way off! What I found was that there are multiple corporate records for these 3 cases and the cester cested under one "Mary Smith", I processed under that Mary Smith, but when it went to rating, it was rated under the Mary Smith with the SS # and that was not the same Mary that was cested! So....we tried to rerate the case, to find that the cest also needed recested...The reason I believe this may be a problem is because we do not check when processing that we are doing it under the right Mary - why would we think there are 3 of the same people? The rater picks the one they are told to pick, so with 3 possible Marys (all the same person) we have a 33% chance that the rater rated under the right one. Then when the case comes back to the processor and authorizer, we check

rates, dates, and reasons, and y the case. This woman would then be sent the $21,000.00 retro as well as her 1686.00 payment and also her 1400 payment she was originally getting....!!!! If this case was in BDN and we cannot see that the computer is paying some exorbitant amount of money, we may mistakenly y a 25,000 retro thinking it was a 500.00 maintenance claim! I think we all have to make an effort at the time of cest to check that there is only one person listed and this will not happen. Before sending to rating, we should also be required to check this - to avoid a rerating and recesting. After the triage step, most processors and raters say this is "not their job" to check this and they are told to pick the one with the SS #. To a certain extent it is not one of the things we routinely think to check, but could be a huge problem with admin error once this is figured out. I just wanted to give you a heads up - Matt is aware of the problem - however, I think everyone should know so that we are not paying people way too much money and find out later! This is just a potential damage control FYI email! Have a great rest of the day, Kristen

Exhibit #2

[redacted]

From: [redacted]
Sent: Thursday, July 10, 2014 10:39 PM
To: Riley, Rory
Subject: Exhibit 2
Attachments: May 15.doc; ATT00001.htm

From: "Ruell, Kristen M., VBAPHIL" <Kristen.Ruell@va.gov>
Date: July 12, 2012, 12:11:05 PM EDT
To: [redacted]
Subject: FW: I have info for you

From: Ruell, Kristen M., VBAPHIL
Sent: Tuesday, May 15, 2012 4:26 PM
To: Daugherty, Michael, VBAVACO
Subject: I have info for you

Mike,

I spoke with you months ago regarding the VA regional office in Philadelphia. Attached is information I believe you should be aware of. I have all attachments / exhibits available upon your request. I can be contacted at 610-506-6181.

<<...>>
Thank you,
Kristen Ruell

Kristen Ruell
[redacted]
Philadelphia, PA 19134
[redacted]
May 15, 2012

Re:
- **VA COMPUTER MALFUNCTIONS**
- **GOVERNMENT WASTE OF FUNDS**
- **IRS IMPLICATIONS**

To whom it may concern:

I have been employed at the Department of Veterans Affairs since August 20, 2007. I am a GS 12 and a member of the quality review team at the Pension Management Center (PMC) in Philadelphia. I possess a law degree and have clerked at the PA Supreme Court for the Honorable Justice Sandra Schultz Newman.

I have reported improper payments and government waste at this facility for approximately 2 years. (see attached emails reporting duplicate and erroneous payments dating back to 2010). Specifically, there are numerous glitches in the Vetsnet operating system that result in millions of wasted taxpayer dollars because of errors with Claimant's names and social security numbers. I have emailed my supervisors and attached is proof that Gary Hodge (current PMC Manager) is well aware of this problem and to date has done nothing efficient to correct the wasted monies. I have heard that there are as many as 41,000 duplicate records currently. While not all 41,000 records are duplicate payments, any duplicate award tabs have the potential to turn into a duplicate payment any time a correspondence or claim is sent into the VA for processing.

Additionally, the automated system which pays a Veteran's month of death check has serious flaws. These claims are now paid automatically to the oldest spouse listed on a Veteran's corporate record (even if the Vet and spouse were divorced years ago). Because a dependent is not removed from the corporate record when a Veteran divorces them, the system has been paying the ex spouse rather the current spouse. The agency is of the opinion that the ex spouse who is not entitled to this money did not ask for it so consequently, the VA has no right to take the money back. They instead are issuing a second check to the correct spouse, rather than being proactive and fixing the problem.

A third problem I discovered just last week. I sent an email reporting this (see attached) but I do not expect it to be addressed anytime soon and would like to report this glitch hoping someone immediately addresses this to prevent further taxpayer waste. (it is not only happening in Philadelphia - see attached). Employees paid at the GS 4 - 6 level (Triage) are responsible for creating (cesting) one hundred and thirty end products

per day (placing mail under control). This unreasonable requirement for an employee who has not been trained as a Veterans Service Representative (VSR) leaves little room for accuracy when "cesting" up a claim. The payee number dictates to the operating system who is to be paid. A surviving spouse is controlled by payee 10. When a claim is created, every claim has a payee number. Because a month of death check is legally only payable to a surviving spouse of a Veteran, the payee number is crucial when cesting a claim with the automated month of death payments discussed in the previous paragraph. I noticed that a child's case is often cested erroneously as a payee 10 rather than the payee 11 that should be assigned to indicate to the operating systems that this claimant is a child. Consequently, these month of death claims are paid out to children in error. Rarely does the VA collect these monies or hold the receiver responsible for income tax consequences since they have no legal right to this "lump sum" since they are not the spouse of the Veteran.

I have brought to management's attention the possible error in the stopping of duplicate awards date last paid because there is no overpayment created. The VA is sending notification letters telling Claimants they have due process rights before stopping the duplicate payments, which I have suggested is incorrect and wastes 60 more days of taxpayer dollars. Furthermore, the letters indicate that no overpayment is created. In some instances, an overpayment was created and waived by finance. The Philadelphia regional office gave mixed instruction as to what to do in these cases. Any instruction other than one to repay the monies issued in error is contrary to the Supreme Court's holding in OPM v. Richmond in which the Court stated "**payments of money from the Federal Treasury are limited to those authorized by statute, and erroneous advice given by a Government employee to a benefit claimant cannot estop the Government from denying benefits not otherwise permitted by law.**" OPM v. Richmond, 496 U.S. 414 (1990). **A clerical error cannot be relied upon to invoke an estoppel against the United States for money payments.** Id. I feel the law is clear that the Claimants are responsible to return the lump sum payments issued as clerical errors and due process is not warranted because these monies are not funds the VA is taking away that the Claimant was entitled to. The notification letter explains the entitlement amount as one payment rather than multiple payments per month. Management's misinterpretation of the law is to the taxpayers detriment.

I foresee serious tax consequences as a result of this gross waste of funds, the true amount unknown because the reports are not accurate and the payments are "hidden." Although a VA Claimant does not have income tax liability for a VA pension award, the monies issued as duplicate payments are countable income for VA pension should they not be returned, resulting in the monies (lump sum retro in error) countable for one year on the pension awards, most likely terminating the Claimants award for excess income. **The IRS should be informed and overpayments should be created because of the tax liability that attaches to the money not authorized by statute.**

I have attached examples of these cases in hope that you will be proactive in a solution to this problem that is only going to escalate, taking time away from the claims that need

to be processed. I urge and beg you on behalf of the Veterans that served this country to fix this system of corruption that runs rampant in the VA. Ignorance of the law is not a defense. Time and grade does not ensure accuracy or accountability. Some agencies offer incentive awards to employees that come forward with information to save the agency or taxpayer money. The VA instead discourages employees from coming forward and reporting corruption. I have been warned specifically by Gary Hodge that I am not permitted to report issues regarding the PMC to the Director. Instead, I am reporting these issues to a much higher place, in hope that someone stops this gross waste of funds. I am also formally suggesting an incentive program for VA employees to encourage them to report corruption, resulting in a better work environment for employees and more claims processed for the true client, the Veteran. I look forward to hearing from you soon.

Sincerely,

Kristen Ruell, J.D.

Exhibit #3

[redacted]

From: [redacted]
Sent: Thursday, July 10, 2014 10:43 PM
To: Riley, Rory
Subject: Exhibit 3

From: "Ruell, Kristen M." <Kristen.Ruell@va.gov>
Date: February 23, 2012, 2:11:00 PM EST
To: [redacted]
Subject: FW: Military Mail / Return Mail

From: Cease, Ryan H., VBAPHIL
Sent: Thursday, February 23, 2012 2:03 PM
To: Ruell, Kristen M.
Subject: RE: Military Mail / Return Mail

Yep I'm here everyday. I'll keep you informed but to tell you the truth once this investigation starts they will move somewhere. Due to the whislteblowing email that was sent out it might even leave triage faster to the shread bin or hidden.

Ryan Hernandez Cease
VA Philadelphia Regional Office 310
PMC Triage / DUPC Processing Team

From: Ruell, Kristen M.
Sent: Thursday, February 23, 2012 2:01 PM
To: Cease, Ryan H., VBAPHIL
Subject: RE: Military Mail / Return Mail

This is insane we need to help these poor Veterans...I will think about what we can do we must move quick on this - can you monitor it to make sure it doesn't "disappear" ???

From: Cease, Ryan H., VBAPHIL
Sent: Thursday, February 23, 2012 2:00 PM
To: Ruell, Kristen M.
Subject: RE: Military Mail / Return Mail

Front office is aware of the situation but nothing is happening. If you pick up a hand full of Military Mail I can Identify at least 50% of it. As for the return mail, it was screened to be separated into essential and non essential. No one is updating the address of the claimant or at least informing the VSR of the address problem. So most of the claimants are not getting their letters informing them that the VA needs more evidence to complete their claim.

Adding to the wait period and denials. Adding to retro payments and some resulting to overpayments. You're welcome to check them out for yourself.

Ryan Hernandez Cease
VA Philadelphia Regional Office 310
PMC Triage / DUPC Processing Team

From: Ruell, Kristen M.
Sent: Thursday, February 23, 2012 1:52 PM
To: Cease, Ryan H., VBAPHIL
Subject: RE: Military Mail / Return Mail

wow...who can we report this to to get it handled CORRECTLY rather than shredded?????

From: Cease, Ryan H., VBAPHIL
Sent: Thursday, February 23, 2012 1:43 PM
To: Ruell, Kristen M.
Subject: Military Mail / Return Mail

In the back of Triage A there are a good amount of Return Mail. Majority of them are consolidated in white boxes and stored in a vacant cubicle. In addition there are "Military mail" unidentified evidence ranging up for 3 years in storage.

The man power is not enough to screen these types of correspondences so it is only stored away. Our supervisors have informed the front office of this problem for some time now but it have not been resolved. The only solution was to store them.

There are 96 white boxes with mixed essential and non-essential return mail.

There are 8 Small cabinets of military mail that are unidentified correspondences which can be reviewed for better identification instead would probably be shredded.

Ryan Hernandez Cease
VA Philadelphia Regional Office 310
PMC Triage / DUPC Processing Team

Exhibit #4

DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Washington, D.C. 20420

TL 09-04 is rescinded due to issuance of this FL

May 20, 2013

Director (00/21)
All VBA Regional Offices and Centers

In Reply Refer To: 212A
Fast Letter 13-10

SUBJ: Guidance on Date of Claim Issues

Purpose

This fast letter provides guidance for establishing dates of claim including guidance for previously unadjudicated claims that are found or "discovered" in the claims folder.

Date of Claim Establishment

VA regional office staff should document claim receipt dates in claim folders and in the electronic systems in accordance with M21-1MR. III.ii.1.B.5 and M21-1MR.III.ii.1.C.10.

The date of claim for claims establishment purposes is as follows:

- For first or third party information, the *earliest date* the information is received in any Department of Veterans Affairs facility. This date should be identified from the earliest VA date stamp. Date stamps can be from any VA entity, including but not limited to, Regional Office (RO), Pension Management Center (PMC), Veterans Affairs Medical Center (VAMC) or Records Management Center (RMC). (M21-1MR III.i.1.2.b).

  Exception: Use the date a previously unadjudicated claim is discovered as the date of claim for system control purposes. The earliest date stamp shown on the discovered document shall not be used as the date of claim for purposes of establishing the EP, but it must be considered when determining the effective date if benefits are granted. This will ensure that the claimant is paid properly.

  Important: A contention-level special issue has been created in MAP-D titled "Unadjudicated Claims Discovered" that should be used when establishing EPs for these claims.

- For messages generated as a result of matching programs and BDN write-outs, the date shown on the message, or if no date is shown, the date of the review. (M21-1 V.III., 19.10).
- **Exception:** BDN write-outs and 800 Series Work Items with the legend "Processing Date - Cycle XX, Month/Year" will use the Hines cycle schedule for date of claim purposes. Please see the Hines Cycle Schedule for more information.
- For due process, the date the notice of proposed adverse action is sent. (M21-1MR.I.2.B.7.b)
- For EP 930 that is established to (a) correct a case worked erroneously or (b) to control an EP that was cleared prematurely, use the same date of claim of the underlying EP prematurely cleared or incorrectly processed. (M21-4, Appendix C, Section II, and M21-1MR III.i.1.2.b)

Previously Unadjudicated Claims Discovered in Claims Folder

Authorization to establish a date of claim for a previously unadjudicated claim or "discovered" claim will be approved by the RO Director, or his/her designee, which will be no lower than an Assistant Director. The claim's establishment must be notated on the document by the Director, or his/her designee. This applies to either a paper notation in the claims folder or an electronic notation in the electronic record. After the claim is adjudicated, the Director must send an email to Compensation Service at VAVBAWAS/CO/212A with "Unadjudicated Claim Discovered" in the subject line and the following information concerning the claim:

- SSN or claim number
- Claimant name
- End product
- Date of claim (reflecting the date of discovery of the unadjudicated claimed issues)
- Effective date (reflecting the effective date for payment purposes, if applicable)

CUE and Effective Date

The instructions provided in this fast letter do not govern assignment of effective dates for claim decision purposes or claims for clear and unmistakable error (CUE). In order for a CUE to occur, a decision has to have been made on a claim. Any newly "discovered" claims discussed above have never been decided; therefore, CUE is not applicable in these cases. See 38 CFR 3.105(a) for more information on CUEs.

Effective date guidance is covered in 38 U.S.C. § 5110, 38 CFR 3.400 and 38 CFR §3.157. Please refer to this guidance when deciding the correct effective date to be assigned.

Questions

If you have any questions about this letter, please e-mail VAVBAWAS/CO/212A.

/S/
David R. McLenachen
Director
Pension and Fiduciary Service

/S/
Thomas J. Murphy
Director
Compensation Service

From: [redacted]
Sent: Tuesday, March 11, 2014 2:30 PM
To: Alt, Travis M., VBAPHI; Anthony, Robert J., VBAPHI; Barfield, Timothy E.; VBAPHIL; Barlow, Tonya C., VBAPHI; Blackwell, Thomas W., VBAPHIL; Caldwell, Kate, VBAPHIL; Carrasquillo, Montes C.; VBAPHIL; Edling, Barbara; VBAPHIL; Gordon, Jameel; VBAPHIL; Graham, Jude E.; Gunther, Rudolph O.; VBAPHIL; Happel, Thomas, VBAPHIL; Harris, Calvin, VBAPHIL; Holland, Jeffery; VBAPHIL; Jackson, Horace D.; Kerins, Paul J.; VBAPHIL; Kirkland, James; Marriott, Eric; VBAPHIL; Minus-Selby, Cynthia; VBAPHIL; Mitchell, James B.; VBAPHIL; Muldrow, Karen, VBAPHIL; Murillo, Ayo A., VBAPHIL; Reyes, Angel G.; VBAPHIL; Rissmiller, Christopher, VBAPHIL; Robison, Steven; VBAPHIL; Rodriguez, Willen, VBAPHIL; Stinson, Darryl; VBAPHIL; Taylor, Bonita K., VBAPHIL; Tighe, Michael; VBAPHIL; Walker, Richard E.; VBAPHIL; Wearing, Nathaniel, VBAPHIL; Williams, Anita; VBAPHIL; Willis, Vernon, VBAPHIL; Wilson, Kevin L., VBAPHIL; Winters, Travis; VBAPHIL
Cc: Blackwell, Kimberly, VBAPHIL; Dessus, Simon A., VBAPHIL; Huber, Guy, VBAPHIL
Subject: FW: Guidelines for establishing EPs for claims pending one year or greater

Important Change!!!

Please do not CEST anything older than 02-26-14 which was our oldest date of mail. This change is effective immediately. If the DOC is older than 02-26-14, you should complete a discovered claim memo will hold a team meeting tomorrow to discuss this change in more detail.

[redacted]
IPC Coach
Philadelphia PMC

Exhibit #5

From: Fei, Karen, VBAPHIL

Sent: Wednesday, July 25, 2007 3:26 PM

To: Antoninich, David, VBAPHIL; Chappell, Melvina, VBAPHIL; Donald, Roxanna, VBAPHIL; Gavin, John, VBAPHIL; Green, Regina, VBAPHIL; McNair, Rosalind, VBAPHIL; Moore-Gordon, Monica, VBAPHIL; Pace, Michelle, VBAPHIL; Palmer, Deborah, VBAPHIL; Spahr, Kristin, VBAPHIL; Spangler, Bret, VBAPHIL; Watson, Cynthia, VBAPHIL; Aloisi, Antonina, VBAPHIL; Fleurimar, Vildamise, VBAPHIL; Formanski, Tricia N., VBAPHIL; Pepe, Anthony, VBAPHIL; Sheard, Antonne, VBAPHIL; Stewart, Troy, VBAPHIL; Young, David, VBAPHIL; Bernard, F. Tyler; Dixon, Dwayne T.; Gonzalez-Gonzalez, Dadneris; LaMarre, Megan M.; Pezzotta, Jennifer C.

Subject: Dates of Claim

Signed By: There are problems with the signature. Click the signature button for details.

When working a case please do not ever change a date of claim to an order date without first consulting me. If the date is incorrect we shouldn't change it until we are ready to gap and authorized.

Also, we will never change an over one year old non bundled end product to a bundled one.

When we do these things it raised a red flag and the front office is questioned by Central Office or Eastern Area.

Exhibit #6

Department of Veterans Affairs

Memorandum

Date: 9/20/2013

From: Triage A/Barbara Edling

Subj: Unadjudicated Claim Discovered

To: Assistant Director
Thru: Assistant Pension Management Center Manager

Per Fast Letter 13-10, the following case is being referred for approval for the establishment of a date of claim for an unadjudicated claim that has been discovered.

- Veteran's Name: William [redacted]
- Claim Number: [redacted]
- Social Security Number: [redacted]
- Proposed End Product: EP 161
- Proposed Date of Claim: 9/20/2013 (Reflecting the date of discovery of the unadjudicated claimed issues)
- Proposed Effective Date: 3/1/2011 (Reflecting the date of the effective date for payment purposes, if applicable)

☑ Concur

☐ Do Not Concur

Date: 9/21/13

Assistant Pension Management Center Manager

☑ Approved

☐ Disapproved

Date: 9/24/13

Lucy Filipov
Assistant Director

From DUP-C bin. 9/24/13

Exhibit #7

From: Megan Smith, Advocacy Team

Subj: Unadjudicated Claim Discovered

To: Assistant Director
Thru: Assistant Pension Management Center Manager

Per Fast Letter 13-10, the following case is being referred for approval for the establishment of a date of claim for an unadjudicated claim that has been discovered.

- Veteran's Name: Francis E. [redacted]
- Claim Number: [redacted]
- Social Security Number: [redacted]
- Proposed End Product: EP 127
- Proposed Date of Claim: 05/06/2014 (Reflecting the date of discovery of the unadjudicated claimed issues)
- Proposed Effective Date: 03/01/2013 (Reflecting the date of the effective date for payment purposes, if applicable)

Our systems reflect a pension claim was received at RO 330 on March 14, 2013, but that issue was P-CANNED. The reason indicated was that it should have been under the jurisdiction of RO 335 because the veteran physically lives in Florida. Although the veteran's application lists a mailing address as C/O Madeline Stockbridge at 5315 Forest Circle Steven Point, WV 54481, he physically resides at a facility in Florida and therefore, this claim is the jurisdiction of RO 310. The veteran's original VA Form 21-526 Veteran's Application for Compensation and/or Pension is in VVA with a date stamp of February 21, 2013.

Date: 5/6/14

Coach/Assistant Coach

☑ Concur

☐ Do Not Concur

Date: 5/7/14

Assistant Pension Management Center Manager

Exhibit #8