

RESOLUTION

Resolution No. 2311

Subject Compensation and Pension Examination (C&P)

Referred to Convention Resolutions Committee

WHEREAS, Disability exams are used for determining the severity of a veteran's service-related injury or illness, as well as for establishing the disability rating percentage, which defines the monthly monetary benefit the veteran receives, and

WHEREAS, When claims processors determine an exam is necessary, they must use the Examination Request Routing Assistant tool to determine if the exam will be completed at a Veterans Administration Medical Center (VAMC) or by a contract vendor, and

WHEREAS, The Examination Request Routing Assistant tool is designed as a guide to assist in the routing of compensation and pension (C&P) examination requests. This tool helps claims processors identify whether a VAMC has capacity to complete exams in a timely manner or suggests a contract provider/vendor be used, and

WHEREAS, When a vendor is assigned, the contract provider contacts the veteran, sets up the exam, and advises the veteran of the time and place of the scheduled appointment, and

WHEREAS, The Medical Disability Examination Office (MDEO) is responsible for overseeing the contract medical disability exam process for the Veterans Benefits Administration (VBA), and

WHEREAS, The MDEO is responsible for ensuring contract providers comply with all vendor contract requirements and

WHEREAS, Many, if not most veterans requiring C&P exams express multiple disabilities requiring non-specialist and different specialist medical examinations, and

WHEREAS, Contract vendors are scheduling multiple unrelated medical condition C&P exams such as orthopedic and mental health examinations for a veteran with a single provider, and

WHEREAS, Contract vendors are using nurse practitioners, not medical doctors, in some cases to conduct multiple unrelated C&P exams that question their competency to be expert in multiple, seemingly unrelated specialties, and

WHEREAS, There are a significant amount of erroneous nexus opinions from these exams and we believe many of these providers lack cultural competencies necessary to properly evaluate nexus and lack an understanding of presumptions, and

WHEREAS, Vendor Contracts require C&P exams be scheduled as close to the veteran's home of record as feasible, but no farther than 50 miles for non-specialist exams and 100 miles for specialist exams unless agreed to by the veteran, and

WHEREAS, Vendor mileage requirements are being exceeded and the belief that the veteran will not receive any disability benefit if they don't somehow complete the travel distance

required to receive the needed examinations causes extreme stress and hardship for the veteran, and

WHEREAS, Contract vendor scheduling has required some veterans to go to different C&P exams on the same day at different locations causing missed C&P exams plus unreasonable hardship for the veteran, and

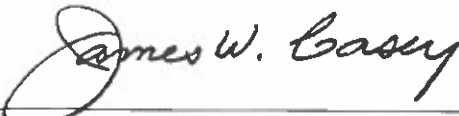
WHEREAS, The American Legion National Executive Committee at a scheduled meeting May 5th-6th, 2021, approved Resolution No. 10 urging the VBA to decrease the number of C&P examinations through greater use of Acceptable Clinical Evidence (ACE) Examinations in order to establish service connection for veteran's disabilities and to determine the current severity of such disabilities for Department of Veterans Affairs purposes, now, therefore be it

RESOLVED, That the American Legion urge VBA to require closer oversight by MDEO concerning contract provider qualifications, training, and the distances to be traveled for C&P examinations in order to establish service connection and severity of veteran disabilities, and, be it further

RESOLVED, That The American Legion continue to urge VBA to use ACE Examinations in order to establish service connection for veteran's disabilities and to determine the current severity of such disabilities for Department of Veterans Affairs purposes, and, be it finally

RESOLVED, That if approved by the Department of New York at its Convention in Westchester, New York, on July 20th-22nd, 2023, this resolution be forwarded to the National Organization for consideration at the National Convention August 25th-31st, 2023, in Charlotte, North Carolina.

American Legion Department of New York	
FOR CONVENTION COMMITTEE USE	
Approved _____	Rejected _____
Approved with Amendments _____	
Consolidated with _____	
Referred to Standing Committee on	
Veteran Services	
Received and Recorded: July 20 th , 2023	
Other Action:	
Signature: Frank J. Peters (Chairman)	



Adjutant Signature

Department Adjutant
Title

Below section to be completed when resolution is submitted from another authorized source.

Frank J. Peters, Chairman
Name

Department Resolutions Committee
Title