

Appendix C

Research Questions

Public Law 108–136 created the Commission and charged it with carrying out a comprehensive study of the appropriateness of the benefits provided under laws of the United States to veterans and their survivors to compensate and provide assistance for the effects of disabilities and deaths attributable to military service. The evaluation and assessment was required to include the purpose of the benefits, the appropriateness of their levels and payment rates under the law and VA schedule for rating disabilities, and the appropriateness of the policies for determining eligibility for compensation. The Commission also was charged with studying any related issues that it deemed relevant to the purpose of developing its findings and recommendations.

To structure its inquiry, the Commission developed the research questions presented below. The process of formulating the questions began when the Department of Veterans Affairs (VA) commissioned Economic Systems Inc. (ESI) to report on the literature and legislative history pertinent to VA's Disability Compensation Program. The recurring themes and concerns that ESI identified served as a springboard from which the Commission considered dozens of issues regarding disability compensation for veterans, their dependents, and their survivors. Those issues fell into three broad categories: Compensation; Duty–Service Connection; and Transition, Coordination, and Readjustment. The Commission then broke into three subcommittees, one for each category. Relevant subject-matter experts briefed the subcommittees to deepen their understanding of the issues. Each subcommittee then translated its set of issues into research questions and reported them to the full committee for approval. These questions formed the foundation of the Commission's inquiry into benefits for veterans and their survivors to compensate and provide assistance for the effects of disabilities and deaths attributable to military service.

The research questions:

1. How well do benefits provided to disabled veterans meet Congressional intent of replacing average impairment in earnings capacity?
2. How well do benefits provided to disabled veterans meet implied Congressional intent to compensate for impairment in quality of life due to service-connected disabilities?

3. How well do benefits provided to survivors meet implied Congressional intent to compensate for the loss of the veterans/service members' earning capacity and for the impairment in quality of life due to service-connected death?
4. How well do benefits provided to disabled veterans and survivors meet implied Congressional intent to provide incentive value for recruitment and retention?
5. Should the benefits package be modified?
 - a. Would the results be more appropriate if reduced quality of life and lost earnings were separately rated and compensated?
 - b. Are there negative unintended consequences resulting from the current benefit structure? Does the receipt of certain levels of compensation provide a disincentive to work or undergo therapy?
 - c. To what extent should VA modify its compensation policies if data from certain categories of service-connected veterans demonstrate little or no measurable loss of earning capacity and/or quality of life?
6. How well do the medical criteria in the VA Rating Schedule and VA rating regulations enable assessment and adjudication of the proper levels of disability to compensate for both the impact on quality of life and impairment in earnings capacity?
7. How does the adequacy of disability benefits provided for members of the Armed Forces compare with disability benefits provided to employees of Federal, State, and local governments, and commercial and private-sector benefit plans?
8. How do the operations of disability benefits programs compare?
 - a. The role of clinicians in the claims and appeal processes, and the required number of staff for this function.¹
 - b. The role of attorneys and legal staff in the claims and appeals processes, and the required number of staff for this function.
 - c. Compensation Claims Process
 - Steps/cycles in the process
 - Location and number of processing centers
 - Administrative costs, i.e., discretionary spending – staffing, information technology, other.
 - Performance indicators (timeliness, quality, inventory, etc.)
 - d. Appeals Process
 - Steps/cycles in the process
 - Location and number of processing centers

¹ Presentation by Colonel Martin Tittle, United States Army Physical Disability Agency, July 22, 2005.

- Administrative costs, i.e., discretionary spending – staffing, information technology, other.
 - Performance indicators (timeliness, quality, inventory, etc.)
 - e. Training and certification of staff and client representatives
 - Required initial training
 - Required refreshed training
 - f. Quality Assurance/Control Program
9. Pertinent law and regulations require that disability compensation be based on average impairment of earnings capacity, not on loss of individual earnings capacity.
- a. Would the results be more appropriate if factors such as the individual's military rank, military specialty, pre-service occupation, education, and skill level were taken into consideration in determining benefits?
 - b. Would the results be more appropriate if the effect of the veteran's medical condition on his or her occupation were taken into consideration in determining benefits?
10. Should lump sum payments be made for certain disabilities or level of severity of disabilities? Should such lump sum payments be elective or mandatory? Consider the merits under different circumstances such as where the impairment is to quality of life and not to earnings capacity.
11. Should universal medical diagnostic codes be adopted by VA for disability and medical conditions rather than using a unique system? Should the VA Schedule for Rating Disabilities be replaced with the American Medical Association Guides to the Evaluation of Permanent Impairment?
12. Are benefits available to service disabled veterans at an appropriate level if not indexed to cost of living and/or locality? Should the various benefits that are presently fixed be automatically adjusted for inflation?
13. Should VA's definition for "line of duty" change? If so, how?
14. To what extent, if any, should VA policies relating to presumptive conditions be changed?
15. Should certain rating principles related to service connection be modified? (see questions below) (38 CFR 3.303 (a))
- a. To what extent, if any, should "age" factor into determining entitlement to service connected compensation?
 - b. To what extent should the benefit of the doubt rule be reconsidered or redefined?

- c. To what extent should service connection on a “secondary” basis be redefined?
 - d. To what extent should service connection on an “aggravation” basis be redefined?
16. Do changes need to be recommended for the Individual Unemployability (IU) benefit?
17. Because Vocational Rehabilitation and Employment (VR&E) benefits are an integral part of the compensation package for many service connected veterans, what changes, if any, are needed in this program?
18. Should there be a time limit for filing an original claim for service connection? (does not include claims for service connection on a presumptive basis)
19. Currently, a pending claim terminates at the time of the veteran’s death even when dependents remain. To what extent, if any, should this law be changed?
20. Certain criteria and/or levels of disability are required for entitlement to ancillary and special purpose benefits. To what extent, if any, do the required thresholds need to change?
21. What recommendations, if any, should the Commission make in regards to Concurrent Receipt policies?
22. Should the Commission explore and recommend changes to the “duty to assist” law? If so, how?
23. Should the Commission explore the Character of Discharge Standard?
24. Should compensation payments be protected from apportionments and garnishments?
25. In regards to Post Traumatic Stress Disorder (PTSD), what policy changes, if any, need to be recommended?
26. To what extent is the coordination between the Department of Veterans Affairs (VA) and the Department of Defense (DoD) adequate to meet the needs of service members/veterans, particularly the needs of service-connected disabled veterans?
27. To what extent is the coordination for seriously injured and disabled service members/veterans adequate within VA between the Veterans Health Administration (VHA) and the Veterans Benefits Administration (VBA) and internally within each of the Administrations? What are the internal and external impediments, challenges and gaps, and how might these barriers be overcome?

28. To what extent is the coordination adequate within DoD between the Office of the Secretary of Defense for Personnel and Readiness, Health Affairs and Force Management Policy, and the branches of Service? What are the internal and external impediments, challenges and gaps and how might these barriers be overcome?
29. To what extent do DoD and VA provide disabled members/veterans the means and the opportunity to succeed in their transition to civilian life? What are the adequacy, quality, and timeliness of the benefits provided by each agency?
30. What policy and cultural shifts must be made to produce a common, shared, bi-directional data exchange of information and access to medical and personnel records between VA and DoD and within VA between VBA and VHA?
31. To what extent are the training, education and outreach programs (of DoD, VA, and DOL) adequate to ensure that the greatest number of active duty, Guard and Reserve personnel are informed of the full range of Federal government veteran benefits and services and provided tools such as a statement of education and military occupational specialties experiences adaptable to civilian job searches?

