



**Paralyzed Veterans
of America**

801 18th Street NW
Washington DC 20006-3517
(O) 202.872.1300
(TTY) 202.416.7622
(F) 202.785.4452
www.pva.org

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April 20, 2015

Ms. Sue Hamlin
Board of Veterans' Appeals (01C2)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

RE: OMB Control No. 2900-0674

Dear Ms. Hamlin:

Paralyzed Veterans of America is writing to provide comment on the notice published by the Department of Veterans Affairs (VA) regarding VA's Notice of Disagreement (NOD) form. The NOD form is used by claimants and/or their authorized representatives to express disagreement or dissatisfaction with the result of an adjudicative determination by the agency of original jurisdiction. The notice was officially published for comment on February 18, 2015.

In general, we have concerns about VA's new standardized claims process, which we believe could make it more difficult for claimants to receive the benefits that they have earned. Regarding the NOD form, we have some specific concerns about the information collected and whether or not it actually helps VA to better understand the issues on appeal. We believe that some of the information requested is actually of limited value and in some cases may result in claimants unknowingly harming their claims.

Specific comments:

- **Part II: Telephone Contact.** We remain concerned about VA's insistence in asking claimants whether they would like to be contacted about their NOD. We believe that collecting information about whether or not a claimant would like to be contacted and when, regardless of whether the claimant is represented, is unlikely to lead to any information that is necessary for the proper performance of the appeals process. Instead, we believe that claimants risk damaging their claim by speaking to VA without the benefit of representation. For example, a claimant may unknowingly waive her rights on some aspect of her claim as a result of talking with VA about the issue(s) on appeal. Furthermore, if a veteran is represented, any

- questions regarding the NOD are more appropriately directed to the veteran's accredited representative.
- Part III: Specific Issues of Disagreement, Item 10 C. In general, we are concerned that asking veterans to be too specific may result in their unknowing waiver of appeal rights, and in particular we believe that there is little practical utility to asking claimants to specify their percentage evaluation sought. Most claimants do not have the expertise needed to determine an applicable percentage evaluation for a specific disability. Without guidance, it is likely that the information collected will be of low quality and little to no value to VA. It should be sufficient for VA to know that a claimant disagrees with VA's decision on a particular disability and the broad area of disagreement. Asking a claimant to further specify the specific percentage evaluation sought is unlikely to solicit any additional information that would help VA to adjudicate the appeal and may result in claimants under estimating their percentage of disability.

We appreciate the opportunity to comment on this notice.

Sincerely,

A handwritten signature in black ink, reading "Homer S. Townsend Jr." with a stylized flourish at the end.

Homer S. Townsend, Jr.
Executive Director
Paralyzed Veterans of America