

PUBLIC SUBMISSION

As of: 3/25/24, 9:03 AM
Received: March 23, 2024
Status: Posted
Posted: March 25, 2024
Tracking No. lu4-8kvm-czii
Comments Due: May 06, 2024
Submission Type: API

Docket: VA-2024-VACO-0001
Notices Requesting Comments

Comment On: VA-2024-VACO-0001-0041
Agency Information Collection Activities; Proposals, Submissions, and Approvals: Veteran/Beneficiary Claim for Reimbursement of Travel Expenses; OMB No. 0798

Document: VA-2024-VACO-0001-0073
Comment on ICR-Veteran/Beneficiary Claim for Reimbursement of Travel Expenses; Anonymous

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General Comment

Congress did not authorize the Secretary to create regulations reducing the beneficiary travel benefit. Veterans Affairs has no discretion in this matter

38 USC 111 (b)(1): "the Secretary shall make the payments... for travel... for which the person is eligible".

The Secretary unlawfully created additional determination criteria for approval and payment via 38 CFR 70.4.

The Secretary implemented a 50 percent reduction in travel payments for unscheduled and non VA (community care) appointments without the authority to do so.

On the Notice of Proposed Rule, VA stated:

"Proposed 70.4 provides a full list of the approval criteria that VA would apply to claims for beneficiary travel, including the individuals who would be eligible for benefits, application procedures, payment criteria for travel without prior VA authorization".

"Proposed 70.4 (b) and (c) help ensure that beneficiary travel is covered only when necessary for the provision of care or services and not merely to obtain cash for other reasons".

38 USC 111 already provided a full list of the approval and payment criteria. It makes no distinction between scheduled and unscheduled appointments, or VA and non-VA (community care) appointments.

I find VA logic inappropriate, counter to the will of Congress, and extremely offensive. This is agency overreach that has gone on unchecked for 16 years, it needs to stop!