

April 11, 2022

The Honorable Denis McDonough
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue NW
Washington, D.C. 20420

Dear Secretary McDonough:

I write with regard to the Deputy Secretary of Veterans Affairs' March 30, 2022 response to my January 5, 2022 letter discussing the Program of Comprehensive Assistance for Family Caregivers (PCAFC). Unfortunately, the letter did not fully address my concerns about whether the U.S. Department of Veterans Affairs (VA) is taking all necessary steps to resolve the issues with the program raised by veterans, caregivers, lawmakers, and veterans service organizations. While I am encouraged by the VA's announcement to temporarily pause removals from the program, I am still very concerned about it due to the approaching VA-set October 1, 2022 deadline to complete legacy participant assessments.

It is apparent from the VA's response that your department is still determining the best and most efficient practices to review PCAFC claims. The response states that the VA's "new processes" requires "new processes, procedures, information technology requirements and the hiring of additional personnel," and that the "timeline for when decisions will be issued under these new review options is not yet known." I believe this fly-by-the-seat-of-your-pants approach will only continue to slow down the submission of claims and appeals, and continues to leave veterans and their caregivers on hold.

I am also concerned with the timely processing of High Level Review (HLR) claims and Supplemental claims set up by the National Caregiver Support Program (CSP) office. The only option for veterans to submit these claims to the VA is to mail them to a Janesville, Wisconsin post office box, while veterans who file HLR and Supplemental claims through the Veterans Benefits Administration (VBA) can upload their documents to Janesville. In addition, HLR claims through VBA allow a Veteran to request an informal call with a senior reviewer prior to a decision, while PCAFC claimants do not have this option.

I am disappointed that the VA has not given serious consideration to a separate lane for PCAFC appeals to the Board of Veterans' Appeals (BVA). The idea of creating a separate lane for BVA appeals was to forestall the possibility of Legacy participants facing hardship by providing timely appeal decisions. In Florida, we have seen non-PCAFC veterans who submit an appeals to the BVA's Direct Review lane – the fastest lane option for appeal according to the BVA website – wait 12 to 24 months for a decision without an Advance on Docket for hardship. With the VA-planned disenrollment of denied legacy participants beginning in March 2023, even

if a PCAFC veteran appealed today, he or she would not receive a timely appeals decision without a dedicated BVA appeal lane. I strongly recommend the VA reconsider adding a separate lane for PCAFC appeals to ensure timely decisions.

I am further concerned the response says the VA is focusing on eligibility requirements instead of determining how best to ensure the largest number of veterans and their caregivers remain eligible for the PCAFC because of their complex conditions and continual need for care. Your response leaves me worried that the VA's seemingly haphazard approach to reexamining the PCAFC will hurt a large number of veterans and caregivers dependent on the program.

Our veterans deserve timely, transparent, and accurate responses surrounding their PCAFC applications. It is evident from your letter the VA is still working through several issues with the PCAFC program that should have been addressed prior to implementation. I am disappointed that common sense solutions, such as creating a separate lane for BVA appeals, are not currently under consideration.

I therefore request the following information:

1. Your office's March 30, 2022 response states 28 percent of new applicants are approved. What is the approval rate for legacy participant assessments, and what is the timeline for completing all legacy participant assessments?
2. Your letter stated that the VA recognizes "a multitude of limitations within the current Program that hinder our efforts to ensure that veterans and caregivers get the benefits they need through PCAFC." Given the acknowledged delays, has the VA considered extending the current 2-year transition period that ends on October 1?
3. Without the PCAFC stipend, caregivers will need to find employment despite not having been in the workforce for years and will need to secure care for the veteran. The PCS and VHA have already implemented VBA claim and appeal practices and can provide resources for non-PCAFC caregiver assistance as noted in the reply. In order to truly provide a comprehensive resource package, the PCS needs to consider partnering with Veterans Readiness and Employment with to assist legacy caregivers with job-hunting skills and placement. Please explain what steps have been done on this front.
4. Please explain why PCAFC claimants are not afforded the same options with their VHA HLR and Supplemental claims as those filing claims with the VBA.

I urge the VA to work diligently to find solutions to problems raised about the program and its processes, and communicate them to veterans and caregivers. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Rubio".

Marco Rubio
U.S. Senator