

117th Congress, 1st Session
Department of Veterans Affairs
Rep. Mike Gallagher (WI)
Request for Information
May 2021

Task-006377 Rep. Mike Gallagher (WI-08) Clarification of new Nehmer letter being sent to veterans

Question 1: *Vietnam Era veterans are receiving the attached letter and are contacting their County Veterans Service Officers with alarm. Some veterans do have 100% service-connected disabilities already and are still receiving this letter.*

Do you know who it went to? Are these veterans whose records are trapped in the National Personnel Records Center?

Any background that you can provide would be very helpful, as I can communicate with our 11 County and Tribal Veterans Service Officers.

VA Response:

VA is beginning its review of previously denied claims which may qualify for retroactive benefits for Veterans who served in the offshore waters of the Republic of Vietnam during the Vietnam War. This review is part of VA's implementation of the U.S. District Court of the Northern District of California decision to readjudicate Blue Water Navy claims as applied in *Nehmer vs. U.S. Department of Veterans Affairs*. Approximately 60,000 Veterans are included within this review.

Veterans who were previously denied service connection for an herbicide related presumptive condition due to lack of in-country Vietnam service will automatically be readjudicated, regardless of current disability rating. VA will review the evidence of record and provide replacement decisions in the cases of Veterans who were previously denied service connection for one or more herbicide related condition(s) on the basis that military service was not performed on the landmass of the Republic of Vietnam or on its inland waterways. This review will also apply to eligible survivors of deceased Vietnam-era Veterans. As part of the readjudication, VA provided notification to identified Veterans and survivors.

With regards to delays in Federal records, in March 2020, National Personnel Records Center (NPRC) reduced operations due to pandemic-related restrictions, thus limiting capacity and affecting VBA's ability to receive Federal records. NPRC continued to process records requests related to time-of-need burial benefits and emergency cases, but other requests were delayed.

Prior to the pandemic, the NPRC inventory of requests was approximately 9,000-11,000. By September 2020, the inventory of requests to support VBA claims processing grew to approximately 80,000. On September 18, 2020, with improved

COVID-19 positivity rates, the National Archives and Records Administration (NARA) reduced restrictions on personnel working in the NPRC. VBA currently has 48 government employees servicing VBA requests at the NPRC. As of May 5, 2021, the inventory has been reduced to approximately 8,000 pending requests. The reduced volume is considered the normal working inventory and supports a turn-around time of 3 to 4 days for most VBA records requests, which represents an improvement over pre-COVID service levels. Please note that while NPRC staff and contractors support the VBA mission, they also have a large inventory of requests (~500,000) for military records from the public and other Federal agencies. VBA's inventory of 8,000 requests is not included in this inventory. VA continues to work closely with NARA to expedite requests for Federal records required to process claims for benefits.