

James T. O'Reilly

*Burying Caesar: Replacement of the Veterans Appeals Process
is Needed to Provide Fairness to Claimants*

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Abstract by Lisa Hodes

James T. O'Reilly's article attacks the Department of Veterans Affairs (VA) benefits appeals system for failing to provide veterans with an accurate, efficient, and accountable process. To remedy the "undisciplined pattern of recycling claims without effective judicial oversight," the author suggests merging the VA with the federal disability benefits appeal systems under the Social Security Administration (SSA).

The author conducts a comparative analysis between the system under the VA, specifically the Court of Appeals for Veterans Claims and the Board of Veterans Appeals, and the system under the SSA. The author explores the differences between the two systems regarding primary jurisdiction, ripeness, exhaustion of remedies, res judicata, and discovery.

Ultimately, the author praises the SSA disability system for having clear administrative policies, and admonishes the VA system as flawed, unpredictable, and convoluted. The best solution, he concludes, is to merge the two systems, but retain the fact-finding and res judicata features of the VA.