

VFW Statement on Wolfe v. Wilkie

'VA Secretary Robert Wilkie must make these veterans financially whole again'

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WASHINGTON – The Veterans of Foreign Wars of the United States is applauding the U.S. Court of Appeals for Veterans Claims, who in a 2-1 decision Monday, correctly ruled for the plaintiffs in [Wolfe v. Wilkie](#). The class action lawsuit was the result of the Department of Veterans Affairs failing to fully reimburse veterans for the emergency room care they received from non-VA facilities, an issue the VFW had thought solved in 2016 when the same court ruled in favor of *Staab v. Shulkin*. But a [report released last month](#) by the VA Office of Inspector General found that the non-VA emergency room claims of some 17,400 veterans were denied or rejected primarily due to a VA work culture that favored speed over accuracy, a number that accounts for nearly a third of the 60,800 claims examined during the IG's six-month nationwide audit in 2017.

“The first thing the VA tells people to do when calling is to hang up and dial 911 if it's an emergency,” said VFW National Commander William J. “Doc” Schmitz. “So the VA must reimburse the actual cost of emergency medical care, regardless of whether the veteran has secondary insurance or not,” he said. “VA Secretary Robert Wilkie must make these veterans financially whole again, correct its policies and practices regarding non-VA emergency room billing immediately, and fully adopt the IG report's 11 recommendations to improve the accuracy of the non-VA emergency room claims processing.”

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