



The Honorable Michael Bost  
Chair, House Committee on Veterans  
Affairs

The Honorable Jerry Moran  
Chair, Senate Committee on Veterans  
Affairs

The Honorable Mark Takano  
Ranking Member, House Committee on  
Veterans Affairs

The Honorable Richard Blumenthal  
Ranking Member, Senate Committee on  
Veterans Affairs

Re: Statement for the Record in Opposition to Department of Veterans Affairs Interim  
Final Rule

**Docket No. VA-2026-VBA-0067**

**Dear Chairman Bost, Chairman Moran, Ranking Member Takano, and Ranking  
Member Blumenthal:**

On behalf of the Non Commissioned Officers Association (NCOA), we respectfully submit this Statement for the Record in strong opposition to the Department of Veterans Affairs' recently issued Interim Final Rule (IFR), Docket No. VA-2026-VBA-0067, addressing changes to the disability evaluation and compensation framework. We urge the Committees to exercise their oversight authority to examine this rulemaking and to call for its immediate rescission pending proper notice-and-comment rulemaking.

We appreciate the opportunity to provide input for the upcoming February 24, 2026 Joint House and Senate Veteran Service Organization Hearing and respectfully recommend that this series of joint hearings examine the broader issue of disability rating and compensation reform and the process by which such reforms are undertaken.

### **Commitment to Responsible Reform**

NCOA is not reflexively opposed to reform of the VA disability rating and compensation system. Periodic reassessment is both appropriate and necessary to ensure that disability evaluations reflect contemporary medical knowledge, functional impacts, and the lived experiences of veterans.

To that end, NCOA and fellow MSO/VSOs will convene a comprehensive disability compensation reform conference in mid-March to develop substantive recommendations for both the Department and Congress. We will invite participation from Members of Congress and their staffs and intend this effort to examine not only evaluation methodologies but also compensation adequacy and the integration of benefits necessary to support veterans' recovery, stability, and long-term well-being. Reform, however, must be transparent, evidence-driven, and veteran-centric. The IFR, as issued, does not meet those standards.

### **Veteran Impact and System Stability Concerns**

Beyond procedural deficiencies, the Interim Final Rule introduces significant uncertainty for disabled veterans who rely on predictable and stable compensation determinations to support housing, medical care, and family financial planning. Even the prospect of altered evaluation standards or future rating reductions creates anxiety among veterans navigating complex medical and economic challenges.

Disability compensation is not merely a regulatory program; it represents an earned benefit tied directly to service-connected sacrifice. Changes affecting eligibility or evaluation standards must therefore prioritize predictability, transparency, and sustained trust in the system veterans depend upon.

### **Failure to Meet Administrative Procedure Act Standards**

The Administrative Procedure Act (APA) establishes a clear preference for notice-and-comment rulemaking. An Interim Final Rule may bypass advance notice procedures only when an agency demonstrates “good cause” that such procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. § 553(b)(B)). Courts have consistently interpreted this exception narrowly.

The justification articulated by the Department does not appear to meet this threshold. The Rule does not address an emergency, an unavoidable statutory deadline, or circumstances requiring immediate regulatory action to prevent imminent harm. Instead, it addresses long-term policy judgments concerning disability evaluation and compensation – precisely the type of issues for which robust stakeholder participation is essential.

The absence of prior consultation with veteran service organizations, clinicians, adjudicators, or affected stakeholders raises serious concerns regarding whether the IFR mechanism was appropriately used. We therefore request that the Committees exercise their oversight authority to review the Department’s rationale and regulatory process in issuing this rule.

### **Concerns Regarding the Announced “Pause in Enforcement”**

We are further concerned by the Department’s announcement that enforcement of the IFR would be “paused.” While intended to reassure stakeholders, such a pause does not resolve the underlying legal or policy concerns associated with the rule’s issuance. Because enforcement authority may be reinstated at any time, disabled veterans remain uncertain about the future stability of their benefits. Moreover, once promulgated, regulations generally carry legal effect regardless of enforcement posture, creating ambiguity for adjudicators, claimants, and the broader veterans’ community. The scope and durability of the Department’s authority to suspend enforcement in this manner remain legally and procedurally unclear. This uncertainty risks undermining confidence in the adjudication system and may invite legal challenges that could further destabilize benefit administration.

### **The Path Forward**

At this stage, the most responsible course of action is for the Department to rescind the Interim Final Rule in its entirety. Should the Department wish to pursue reforms, it should do so through a new Notice of Proposed Rulemaking (NPRM) that:

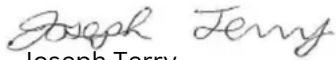
- Engages veterans, clinicians, adjudicators, economists, and service organizations in meaningful dialogue regarding proposed reforms and their objectives.
- Provides a transparent explanation of the evidentiary and policy basis for proposed changes.
- Allows sufficient time for public comment and data submission.
- Demonstrates that reforms are designed to improve outcomes for veterans rather than primarily reduce expenditures.

We respectfully request that the Committees exercise their oversight authority to ensure that any reforms to the disability evaluation and compensation system proceed through a transparent, collaborative, and legally compliant process that maintains veterans' trust and protects earned benefits.

NCOA stands ready to participate constructively with both Congress and the Department of Veterans Affairs. We will share the findings of our upcoming reform conference and welcome opportunities for continued collaboration, including congressional roundtables or stakeholder discussions focused on comprehensive disability compensation reform.

Thank you for your attention to this matter and for your continued leadership and service to the nation's veterans.

Respectfully,



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