

ministrative Conference of the United States. He would be appointed by the President with the advice and consent of the Senate for a term of five years, and would have jurisdiction to investigate the administrative acts, practices, or procedures of the Social Security Administration, Veterans Administration, Internal Revenue Service and the Bureau of Prisons, and any officer, employee, or member thereof acting or purporting to act in the exercise of his official duties. The bill would provide that appropriate subjects for investigation would include an administrative act, practice, or procedure of any of the designated agencies which might be contrary to law or regulation; unreasonable, unfair or oppressive; based wholly or partly on a mistake of law or fact; based on improper or irrelevant grounds; unaccompanied by an adequate statement of reasons; performed in an inefficient manner; or otherwise erroneous.

The Ombudsman could exercise his powers without regard to the finality of the administrative act. The Ombudsman could take jurisdiction on his own motion or on an oral or written complaint; conduct a complete investigation; refer the case back to the agency for further consideration or recommend modification, amendment or cancellation of an administrative act. If not satisfied with the agency action, he could transmit reports to the Chairman, Administrative Conference of the United States, appropriate Congressional Committees and publicize information to the general public.

The jurisdiction of the Ombudsman under the bill would have broad application to the millions of Veterans Administration adjudications on initial, supplemental and reopened claims, without regard to the claimant's failure to exhaust administrative remedy through appeal or finality either by failure to timely appeal, or through final appellate action. His jurisdiction presumably would extend beyond adjudicative actions to insurance application and contract actions, to determinations with respect to hospitalization and treatment of veterans and to loan guaranty actions. In addition, administrative actions in individual cases, the agency practice, procedure, and regulations, including those at the appellate level, would be subject to his jurisdiction.

The subject proposal is apparently based upon the Swedish system, where the Ombudsman handles about 1200 complaints each year. In the United States the potential workload for such office stemming from the millions of Veterans Administration adjudicative and administrative actions and the Board of Veterans Appeals' 24,000 decisions annually would be very large. As long as there is recourse to another office for review of agency action, even though without enforcement powers, it is reasonable to expect that a substantial number of those dissatisfied with the result would avail themselves of its facilities. When the potential Veterans Administration workload is considered, together with that stemming from the other agencies listed, the size of the possible workload of the office of Ombudsman is staggering. Moreover, the legal, medical, and administrative expertise necessary to effectively handle complaints would require a large professional staff.

It should be noted that the Veterans Administration does not stand in an adverse position to claimants for veterans benefits. To the contrary, every effort has been made to maintain an informality of proceedings and ease of prosecution of claims to assure that all meritorious claims are allowed. Claims not initially allowed are subject to an appeal procedure with built-in due process safeguards recently enacted by Congress in Public Law 87-666, which, among other things, require that a claimant or his representative be furnished a statement of the case summarizing the evidence, the applicable law, the decision on each issue, and the reason therefor.

Moreover, the Veterans Administration under authority contained in section 3311 of title 38, United States Code, maintains in its field stations, contact