

TDVS Benefits Bulletin
21-12

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TDVS Updates

Claim Accuracy Request Pilot Expands to State Organizations

[Benefits Bulletin 21-5](#) highlighted the launch of the Claim Accuracy Request (CAR) pilot program to allow representatives opportunities to quickly identify significantly flawed decisions, and for VBA to expeditiously review and redecide them. This pilot program has been expanded to include States.

Here’s how you can participate in the program –

- [TDVS Fact Sheet – Claim Accuracy Request](#)
- [Claim Accuracy Request Job Aid](#)

Package A Claim & Direct Submit Update

Vetra Spec users may notice a slightly new look to the Package A Claim notes after Appeals Division filing because of additional information being added to the Package A Claim Notes when forms and/or documents are filed using Direct Submit.

The Direct Submit filing method requires Appeals Division staff to select the forms or documents that are being filed with VA. Once the forms or documents are received successfully by VA, the confirmation message is copied/pasted in the Package A Claim notes and the forms and documents are again selected to complete the filing process. *(Ex: The bottom line is the CSO/VRC package sent to TDVS. The top line is TDVS’ confirmation note including selected forms.)*

10-23-2020	State filed on: 10-23-2020 Sent to state on: 10-23-2020	vaoics 214138_122017		FROM THE CLAIMS OFFICE: Direct Submit on: 2020-10-23 15:51:32 GUID: a17bec6e-188f-4ada-8998-e38e9e2583d2 Status as of: 2020-10-23 15:51:39 RECEIVED-css
10-23-2020	State received on: 10-23-2020 Sent to state on: 10-23-2020	214138_122017		

With the adjusted method, the confirmation message copied/pasted now includes the entire Direct Submit submission confirmation, to include the forms and/or documents filed with



VA. (Ex: The bottom line shows the CSO/VRC package sent. The top line shows the complete submission confirmation.)

Date sent	Status (D2D error codes)	Forms sent	Docs sent	Notes				
11-18-2021	State filed on: 11-18-2021 Sent to state on: 11-18-2021			FROM THE CLAIMS OFFICE: Direct Submit on: 2021-11-18 23:24:22 GUID: 1be864b5-d91d-41b0-9c51-664beb617cff Status as of: 2021-11-18 23:24:31 RECEIVED lw <table border="1" style="float: right; margin-left: 20px;"> <tr> <td>vacics</td> <td>noticeofresponse</td> </tr> <tr> <td>214138</td> <td></td> </tr> </table>	vacics	noticeofresponse	214138	
vacics	noticeofresponse							
214138								
11-17-2021	State received on: 11-19-2021 Sent to state on: 11-17-2021	214138	noticeofresponse					

This small change decreases the likelihood of human error and more accurately reflects the forms and/or documents filed.

TDVS Training Updates

- **January Mandatory Quarterly Training**, January 12, 2022 @ 11:30 a.m. CST, VR&E

The Veteran Readiness and Employment’s (VR&E) Program Team from the Nashville Regional Office will host January 2022 Quarterly Training Live Webinar on January 12, 2022 at 11:30 am CST or 12:30 EST.

In June 2020, the VA changed the name of its Vocational Rehabilitation and Employment program to “Veterans Readiness and Employment.” Veterans Readiness and Employment (VR&E) is an entitlement program that provides job training and related services to enable veterans with service-connected disabilities to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment.” The VR&E team will explore a wide variety of programs for individuals seeking benefits and services to become employable.

- [2022 Service Officer Training Calendar](#)

VA and Veteran Benefit Updates

Regulatory Updates - Final Rule – Awards Under the Nehmer Court Order

On December 2, 2021, VA published a [final rule](#) amending its regulations regarding the process for identifying and paying appropriate payees entitled to retroactive benefits under the Nehmer Court Order.

VA Mail Delays

[Benefit Bulletin 21-11](#) highlighted ongoing VA mail delays and how to obtain copies of correspondence for your clients. According to a recent [press release](#), the Veterans Benefits

Administration (VBA) is extending response periods by 90-calendar days for claimants with letters dated between July 13, 2021 and December 31, 2021. Continue to counsel and assist clients to provide timely responses to VA notification letters but be aware VA should not take adverse action in cases where a veteran has been impacted by mail delays.

VA Education Benefit – COVID-19 Provision Expires Soon

On December 21, the COVID-19 legislation permitting GI Bill students to receive a Monthly Housing Allowance (MHA) at the resident rate (in person) while taking approved online courses will end. Students can find additional information [here](#).

VA Pilots Evaluation Model to Determine Military Exposure Presumptives

On November 11, VA announced it has begun piloting a comprehensive military exposure model to consider possible relationships of in-service environmental hazards to medical conditions. This model may result in the development of additional presumptive conditions. Here's a [fact sheet](#) with additional information.

New Benefits Rate Tables Effective December 1, 2021

VA's new rate tables for 2022 are now available on VA's website:

[Veteran Compensation Benefits Rate Table](#)

[Veterans Pension Rate Table](#)

[Survivors Pension Rate Table](#)

[DIC Rate Table](#)

Practice Like a Pro

Pension Management Center Updates

Here are [several recent updates](#) from VA's Pension Management Center to include –

- VA Form 2680s – No Running Award and No Application Received
- Resumption of Use of Federal Tax Information or FTI in Claims Processing
- Outdated Forms
- Impact of court decision in *Military-Veterans Advocacy v. Secretary of Veterans Affairs* & VA AMA Interim Guidance

As discussed during the [VA Appeals Modernization Act session](#) at Annual Training, an active Intent to File or ITF will now apply to a supplemental claim submitted on or after July 30, 2021 even if it had been more than one year since a final decision.

Advocacy Tip – Because it has taken VA so long to provide guidance to adjudicators, advocates should review supplemental claim decisions issued on or after July 30, 2021 to determine if VA should have awarded an earlier effective date.

Further, if you are filing a supplemental claim (VA Form 21-0995) and believe an ITF should apply, use a VA Form 21-4138 to draw VA’s attention to the issue. Here’s some sample language --

SECTION II: REMARKS <small>(The following statement is made in connection with a claim for benefits in the case of the above-named veteran/beneficiary.)</small>
<p>Due to space constraints on the printed 21-4138, you may only enter a limited number of characters in this box. The text will be single spaced. If you want a double space between paragraphs, hit SHIFT+ENTER twice after paragraphs. If you reach the limit, you will be alerted. If that happens, simply finish your statement using the text box on Page 2 under "SECTION II: REMARKS (Continued)"</p> <div style="border: 1px solid black; padding: 5px;"> <p>B I U abc </p> <p>The effective date for an award of benefits based upon this supplemental claim should be (INSERT ITF DATE HERE) due to the establishment of an intent to file and the July 30, 2021 Court of Appeals for the Federal Circuit’s decision in <i>Military-Veterans Advocacy v. Secretary of Veterans Affairs</i>.</p> </div>

The effective date for an award of benefits based upon this supplemental claim should be (INSERT ITF DATE HERE) due to the establishment of an intent to file and the July 30, 2021 Court of Appeals for the Federal Circuit’s decision in Military-Veterans Advocacy v. Secretary of Veterans Affairs.

Advocacy Tip – Create two separate VA Form 21-0966s if you are seeking to establish an Intent to File for both Compensation and Pension. VA’s scanning program cannot recognize when both blocks are checked on the VA Form 21-0966. Because the form itself is not saved in VBMS there is no way to prove a valid ITF for both benefit types.

Caregiver Program Developments

As highlighted in [Benefits Bulletin 21-6](#), a Court of Appeals for Veterans Claims (CAVC) decision in *Beaudette v. McDonough* extended judicial review to Caregiver determinations.

On November 17, 2021, VA began providing notice to the approximately 400,000 veterans and caregivers of this right to appeal an adverse decision. NVLSP – who is serving as Class Counsel – recently provided partner states an opportunity to discuss the status of this class action. A web-based training will be available in the spring or summer. Until then, here are several resources to assist veterans or caregivers.

- [Program of Comprehensive Assistance for Family Caregivers \(PCAFC\) VSO Toolkit](#)
- [VA Caregiver Program Class Action Website](#) – Important documents and FAQs

- [Veterans Health Administration's Clinical Review or Appeal Process](#) – Outlined in Benefits Bulletin 21-7 and still an available method of disagreement.
- [TDVS Appeals Division Contact Information](#)

Guard and Reserve Information

When filing a VA Form 21-526EZ for a veteran who has served in the Reserves or National Guard, how do I correctly fill out blocks 21A-F?

When filing a claim for a veteran who has served in the Reserves or National Guard (or maybe they ONLY have Guard or Reserve time), the question to answer is – are any of the claimed conditions related to Reserves or National Guard service? If the conditions relate to Reserves or National Guard Service, is there a Line of Duty (LOD) report? Are there medical records or other evidence that clearly show the incident happened during service in the Reserves or National Guard? For National Guard, remember to ask for an NGB Form 22.

If the answer is 'yes', then blocks 21A-F must be COMPLETELY filled out.

21A – MUST mark 'yes' or 'no'

21B – MUST mark a component type

21C – month, day and year MUST be entered in BOTH the 'From' and 'To' fields

21D – unit name, address, city, state and zip MUST be entered...no blank boxes

21E – phone number is required...no blank boxes

21F – MUST mark 'yes' or 'no'

When any of these boxes are left blank, it is highly likely VA will send a development letter. It is not enough to attach the NGB Form 22. Fill in the boxes using the information on the NGB Form 22.

If 'yes' is marked and all other fields are left blank because the client does not remember, the claim will be delayed while VA sends a development letter. In this situation it's in the best interest of the client to file an Intent to File (VA Form 21-0966) and wait to file a completed 21-526EZ once they can obtain the information.

If the conditions being claimed on the VA Form 21-526EZ are not related to service in the Reserves or National Guard, leave block 21A blank – *do not* mark 'yes' or 'no'. Do not fill out any of the boxes in block 21.

Advocate Spotlight

County Advocacy Ensures Surviving Spouse Receives Full Benefit

The Putnam Veterans County Service Office's attention to detail ensured a surviving spouse received the full benefit amount to which she was entitled.

As highlighted in a [2020 Lunch & Learn](#), surviving spouses in receipt of DIC may be eligible for additional monetary allowances in certain situations. [38 CFR 3.10](#) and the most recent [DIC rate table](#) outline these additional allowances that include --

- 8-year provision – Total Disability (including individual unemployability) and Marriage
- Aid and Attendance
- Housebound Allowance
- Transition Benefit

Earlier this year, a surviving spouse was awarded DIC at the basic rate. The CSO, who was assisting the survivor, flagged for TDVS's Appeals Division that the spouse was entitled to an additional monetary allowance because the veteran had been rated totally disabled and married for more than 8 years before death. Appeals Division staff alerted the Nashville Regional Office and had the issue corrected without having to file a disagreement.

Heads up advocacy, a model practice of thoroughly reviewing VA decisions, and solid collaboration among County, State and the Federal government ensured this surviving spouse received the benefits to which she was entitled.

If you have an example of teamwork between Veteran service offices/organizations across the state making a difference in the lives of Tennessee veterans, please share with your Regional Director for possible inclusion in an upcoming "Advocate Spotlight."

TDVS Benefits Bulletins Can Be Found on the [VSO Tools](#) Portion of TDVS's Website