

TDVS Benefits Bulletin
21-2

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TDVS Updates

Monthly Lunch and Learn

TDVS's next monthly lunch and learn is scheduled for Wednesday, February 10, 2021 at 11:30 CST and will cover Total Disability based on Individual Unemployability (TDIU).

Suicide Prevention & Psych Armor

Great News! TDVS has partnered with [Psych Armor Institute](#) to deliver **Required Quarterly Training**. There will be three presentations that will last a total of 48 minutes and are self-paced; [Suicide Prevention and Awareness \(S.A.V.E.\)](#), [De-escalation Techniques](#) and [Communication Skills with Veterans](#). TDVS Training Officer Ron Dvorsky will send each accredited officer an individual link to register and participate. What is great about this opportunity is additional free training you can participate in along with a TDVS custom dashboard to track your training. Official email will be going out to the community soon. Suspense to complete the training will be Friday, February 26, 2021.

VA and Veteran Benefit Updates

Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020

[Last month's Benefits Bulletin](#) highlighted the passage of comprehensive veteran focused legislation that touched on nearly every aspect of VA care and benefits. Here is some additional information on some of the most relevant provisions of that legislation:

- [Disability Benefits Questionnaire \(DBQ\)](#) – This law requires VA repost Disability Benefit Questionnaires for public use on its website. As of Tuesday, February 3rd, VA has not updated their [website](#) to include public facing DBQs.

[Benefits Bulletin 20-9](#) includes Additional information on availability and use of DBQs provided by NVLSP.

- Remarriage – This law reduced the age at which a surviving spouse can remarry and may still receive Dependency and Indemnity Compensation (DIC) from 57 to 55.
- Repayment of Misused Benefits – This law provides VA with more authority to pay a beneficiary when a fiduciary has misused all or part of an individual's benefit.

Mail Modernization Update

Several recent Benefit Bulletins have included updates on VA's mail modernization efforts including VA's intent to sunset fax capabilities for all VBA business lines. VBA has slowed the phased roll out of sunseting faxes for Compensation, Pension and Fiduciary Services and it has not occurred in January 2021 as originally outlined.

TDVS already uses several electronic filing methods, including [Digits to Digits \(D2D\)](#), to ensure forms and documents are filed with VA in the quickest and most efficient manner possible.

Quality Review Insights

Lack of Veteran or Claimant Signature

TDVS's quality review program frequently identifies forms that lack a veteran, claimant or VSO signature. COVID restrictions in many communities have caused us to modify how we obtain client signatures. As a reminder, with limited exceptions, VA has not relaxed or modified the signature requirements for compensation and pension claims and appeals.

The only exceptions are for certain Vocational Rehabilitation forms such as VBA-28-1900 and VBA-28-8832 and the VA Form 10182 (Decision Review Request: Board Appeal). On these forms, the typed name of the veteran or claimant will suffice for a signature.

All other forms continue to follow existing guidance that requires a wet, electronic or digital signature and is outlined in more detail below.

What forms can a representative sign?

Representatives have the authority to prepare and submit certain types of claims and other claim-related documents on behalf of the represented individual without that individual's signature. These include but are not limited to –

- Intent to file (ITF) a claim

- Supplemental Claim
- Request for higher-level review
- Legacy Substantive Appeal

A POA may prepare, but may not sign, documents that require the claimant's signature, such as (this list is not all forms...but rather several examples) –

- Original Applications for Veterans Benefits
- VA Form 21-8940, Veteran's Application for Increased Compensation Based on Unemployability
- VA Form 21-4142, Authorization to Disclose Information to the Department of Veterans Affairs (VA)
- VA Form 21-0538, Mandatory Status of Dependents

Please review [VA's M-21 Adjudication Procedures Manual](#) – I.3.A.4.b. – for additional information.

How can I establish representation without a veteran's signature?

Veterans with an eBenefits account can request representation using this online tool. Here's a [step-by-step guide](#) that you and clients can use to establish representation using eBenefits. TDVS employees monitor these requests daily in order to establish representation.

Practice Like a Pro

Addition of Presumptive Diseases

[Last month's Benefits Bulletin](#) highlighted the addition of three presumptive diseases for veterans exposed to herbicide agents, such as Agent Orange – Parkinsonism (Parkinson-like symptoms), bladder cancer and hypothyroidism.

Late last week, [VA issued guidance](#) to Regional Offices and Pension Management Centers on handling claims for these new conditions. Generally, VA will develop claims for these new conditions but defer a rating decision until VA completes development of appropriate procedures for processing of these claims.

Veterans with service in the Republic of Vietnam, or service where they were otherwise exposed to herbicides, should file an original or supplemental claim for service connection if they have symptoms or a diagnosis for one of these conditions.

VA Schedule for Rating Disabilities Update

Many of you already use VA's Schedule for Rating Disabilities (VASRD) to provide counsel to veterans on expected disability levels or whether their symptoms warrant seeking an increase.

VA has been in a multi-year process of updating all 15 body systems of the VASRD to more accurately reflect modern medicine. The most recent body system updated was the musculoskeletal system and here is a [summary of the most significant changes](#). These updates will become effective February 7, 2021.

TDVS recommends using the [eCFR](#), which is updated nearly daily, to ensure you are accessing the current [VASRD](#) and providing the best advice possible to veterans and their family members.

COVID-19 and Remote Claims Assistance

As a reminder, additional updates related to COVID-19 and tips on providing remote claims assistance can be found in the [special TDVS Benefit Bulletin](#). TDVS has provided three updates during the evolution of the Novel Coronavirus outbreak.

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