

TDVS Benefits Bulletin
21-3

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TDVS Updates

Monthly Lunch and Learn

TDVS's next monthly lunch and learn is scheduled for Wednesday, March 10, 2021 at 11:30 CST and will cover Tennessee's Efforts to Prevent Suicide Among Service Members, Veterans and Their Families.

- A networking opportunity, to connect with key regional players from Tennessee Department of Veterans Service, Veterans Health Administration (VHA), and Tennessee Suicide Prevention Network (TSPN).
- Learn about Tennessee efforts to prevent suicide among Service Members, Veterans, and Their Families (SMVF) including the State's participation in the Governor's Challenge to Prevent Suicide Among Service Members, Veterans and Their Families.
- Learn about resources, collaborative efforts, and how you can implement suicide prevention best practices for service members veterans and their families in your community.

Optional Training Opportunity – NVLSP Live Webinar: Effective Strategies for Written and Oral Advocacy Before the VA

March 23rd or 24th, 2021 at 1:00pm to 2:30pm CST, NVLSP will be presenting a live Webinar: Effective Strategies for Written and Oral Advocacy Before the VA. If you are interested, please click on this [LINK](#) to register for either the 23rd or the 24th. You should receive a confirmation email from NVLSP no later than Friday March 19, 2021.

VA and Veteran Benefit Updates

VA Reduces Veterans' Group Life Insurance (VGLI) Premiums

The Department of Veterans Affairs (VA) will [reduce the premiums](#) for all veterans insured under the Veterans' Group Life Insurance (VGLI) program, effective April 1. Premiums for VGLI will be reduced by an average of 7% across all age groups.

The Ryan Kules and Paul Benne Specially Adaptive Housing Improvement Act of 2019 (Public Law 116-0154)

This law expands grant benefits to the most seriously disabled Service members and Veterans. Among several changes, the Specially Adapted Housing (SAH) benefit has expanded eligibility to those Service members and Veterans with service-connected blindness but no accompanying disability. Read VA's [VSO notification](#) to learn more about SAH program the and the changes made by this law.

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

[Recent Benefits Bulletins](#) highlighted the passage of comprehensive veteran focused legislation that touched on nearly every aspect of VA care and benefits. Here are several updates on some of the most relevant provisions of that legislation:

- Disability Benefits Questionnaire (DBQ) – This law requires that VA repost Disability Benefit Questionnaires for public use on its website. [DBQs](#) have been made available to the public as of March 1, 2021.
- Section 2001, Revision of definition of Vietnam era for purposes of the laws administered by the Secretary of Veterans Affairs

Changes to [M21-1 V.i.1](#) were published on February 26, 2021 to incorporate the following procedural change on the qualifying wartime period for the Vietnam era:

Wartime Period	Beginning and Ending Dates						
Vietnam Era	<p>The qualifying wartime periods for Vietnam era as defined in <i>PL 116-315</i> depend on the date VA adjudicates the claim.</p> <table border="1" data-bbox="461 453 1370 1100"> <thead> <tr> <th data-bbox="461 453 734 613">If the adjudicative decision is rendered ...</th> <th data-bbox="734 453 1370 613">Then qualifying service dates are ...</th> </tr> </thead> <tbody> <tr> <td data-bbox="461 613 734 856"><i>before</i> January 5, 2021</td> <td data-bbox="734 613 1370 856"> <ul style="list-style-type: none"> • February 28, 1961- May 7, 1975 (for Veterans who served “in country”), or • August 5, 1964 - May 7, 1975 (for Veterans who did not serve “in country”) </td> </tr> <tr> <td data-bbox="461 856 734 1100"><i>on or after</i> January 5, 2021</td> <td data-bbox="734 856 1370 1100"> <ul style="list-style-type: none"> • November 1, 1955 - May 7, 1975 (for Veterans who served “in country”), or • August 5, 1964 - May 7, 1975 (for Veterans who did not serve “in country”) </td> </tr> </tbody> </table> <p>Note: Service in the offshore waters as defined in <i>PL 116-23</i> will satisfy the “in country” requirement.</p>	If the adjudicative decision is rendered ...	Then qualifying service dates are ...	<i>before</i> January 5, 2021	<ul style="list-style-type: none"> • February 28, 1961- May 7, 1975 (for Veterans who served “in country”), or • August 5, 1964 - May 7, 1975 (for Veterans who did not serve “in country”) 	<i>on or after</i> January 5, 2021	<ul style="list-style-type: none"> • November 1, 1955 - May 7, 1975 (for Veterans who served “in country”), or • August 5, 1964 - May 7, 1975 (for Veterans who did not serve “in country”)
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Important: [M21-1 III.iv.5.C.8](#) applies to claims impacted by this law change. As noted by M21-1 III.iv.5.C.8.i., if the claimant meets the eligibility requirements of the liberalizing law, the claim is reviewed at the request of the claimant, and the claim is received within one year from the effective date of the law change, then benefits may be awarded from the effective date of the law or VA issue. Additionally, if a claim was pending at the time of the law change and entitlement to benefits could not be granted except for the expanded wartime service period, grant benefits from the date the law was enacted if all other eligibility criteria are met to grant the benefit.

- [Section 2009, Eligibility for dependency and indemnity compensation for surviving spouses who remarry after age 55.](#)

This change adjusted DIC eligibility from 57 to 55 if the spouse is remarried.

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 to establish representation.

Practice Like a Pro

Pension Management Center Updates (Milwaukee)

First Notice of Death (FNOD) reporting. The preferred method to report FNOD is calling 1-800-827-1000.

Presumptive Agent Orange Conditions. The *National Defense Authorization Act for Fiscal Year 2021 (NDAA)* (H.R.6395) added three (3) more conditions to the [Agent Orange presumptive-conditions list](#) wherein Veterans who were exposed to Agent Orange may qualify for benefits:

- bladder cancer,
- hypothyroidism, and
- Parkinsonism, or Parkinson-like symptoms.

is committed to implementing the change in law and efforts are underway to develop final procedures on the appropriate processing for these claims. In the interim, for cases impacted by the change in law, until final procedural guidance is provided to the field, claims adjudicators will refrain from granting service connection based on herbicide exposure for any of the three new conditions.

Service on Guam and Herbicide Exposure

The National Veterans Legal Services Program (NVLSP) and the Veterans Legal Services Clinic (VLSC) at Yale Law School recently updated a [White Paper](#) that may serve as evidence that veterans who served in Guam from 1958 – 1980 were likely exposed to herbicide agents and as a result may be entitled to service-connected disability compensation for diseases associated with herbicide exposure.

Borne the Battle Podcast



For several years, VA has published a weekly podcast dedicated to engaging veterans. [Borne the Battle](#) podcast provides timely information on important resources, VA offices, and the challenges veterans endure during and after their service.

Here's a recent [episode](#) sharing information on VA's Veterans Readiness and Employment Service.

Veterans 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