

TDVS Benefits Bulletin
24-1

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This month's bulletin is 1,155 words and will take just over 4 minutes of your time.

1 big thing: Forms Review – VSO Listening Session

TDVS needs your [feedback](#) to share concerns with VBA Central Office on VA forms that advocates have identified as having issues or not being processed correctly.

Background: Later this month, the VBA Office of Policy and Oversight will hold a VSO listening session to discuss VA Forms and proposed improvements. All advocates have scratched their heads at one point or another about the format and content of VA forms. Here's your chance to voice your frustrations.

What can I do: Please provide [feedback](#) to TDVS's Appeals & Accreditation Division by Wednesday, January 17th. TDVS will consolidate and share your comments during the VSO listening session.

TDVS Updates

Updates to TDVS' Knowledge Library

- VSO Tools – TDVS' [Quick Reference](#) for 2024 Service Connected Disability and Improved Pension Rates Added to VSO Tools - Tools
- Publications – [2023 Federal Benefits for Veterans, Dependents, Survivors, and Caregivers](#) Added to VSO Tools - Publications

Nashville RO – New PIV Office Location

Effective December 19, 2023, **the Nashville Regional Office's PIV office will be operating at the following location:**

3322 West End Avenue
Nashville, TN 37203
Suite 401, 4th Floor

What do I need to know: Reporting Instructions --

- Park in the garage utilizing the garage entrance at ground level of 3322 West End Building.
- Park in any available Visitor Parking spot.
- Proceed to the lobby entrance guard desk to sign in.
- All applicants will need to be escorted to the 4th floor by a PIV team member.
- Phone number for the 3322 West End office: 615-695-6341

Recommendation: You can continue to use VA's other PIV issuing facilities across Tennessee (Memphis VAMC, Nashville VAMC, Murfreesboro VAMC, or Mountain Home VAMC).

Training Updates

What's next: Here's the training schedule for the beginning of calendar year 2024.

- January – Mandatory Quarterly Accreditation Training, January 23rd **or** 24th at 1 p.m. CST
- February - Lunch & Learn, Wednesday, February 14th, 11:30 a.m. to 12:30 p.m. CST
- March – Lunch & Learn, Wednesday, March 13th, 11:30 a.m. to 12:30 p.m. CST
- April – Mandatory Quarterly Regional Accreditation Training(s)
- [2024 Training Schedule](#)

VA and Veteran Benefit Updates

Proposed Rule – Fee Reasonableness Reviews; Effect of Loss of Accreditation on Direct Payment

VA has published a [proposed rule](#) in the Federal Register to update VA's process for reviewing, determining, and allocating reasonable fees for attorneys or agents whose representation of a VA benefits claimant resulted in an award of past-due benefits. It would also address the effect on direct fee payment by VA of the termination of an agent's or attorney's VA accreditation.

Why it matters: In certain circumstances, attorneys and agents can charge a fee for representation. VSOs need to have awareness of the rules that govern when an attorney or agent can legally be paid for his or her work. VSOs need to be able to counsel clients to help them avoid [predatory actors or practices](#), such as "claims sharks", who are taking thousands of dollars from Veterans for services that should be free or lower costs.

Here's more:

- The [plain language document](#) explaining this regulatory change.
- [Proposed Rule](#)
- [Federal Register](#)

Final Rule - Active Service Pay

VA has published a [final rule](#) in the Federal Register to permit VA to adjust disability compensation payments under certain circumstances upon receipt of notice from the Department of Defense (DoD) that the veteran has received or is receiving active service pay.

Why it matters: VA is seeking to reduce overpayments and erroneous payments associated with receipt of VA disability compensation and DoD active service pay by allowing VA to make necessary adjustments as close in time to the receipt of active service pay as possible.

Here's more:

- The [plain language document](#) explaining this regulatory change.
- [Final Rule](#)
- [Federal Register](#)

Interim Final Rule – Exceptions to Applying the Bilateral Factor

VA has adopted as final, without changes, an [interim final rule](#) in the Federal Register that provides exceptions to applying the bilateral factor in VA disability calculations.

Why it matters: The amendment allows VA adjudicators to exclude certain disabilities that would be calculated using the bilateral factor to determine the combined evaluation if, by their exclusion, a higher combined evaluation could be achieved.

I need more information:

- **What does the regulation do?** This interim final rule making amends the regulation governing the bilateral factor for diseases and injuries of both arms, both legs, or paired skeletal muscles.
- **Who does it impact?** The interim final rule impacts certain veterans with bilateral factor diseases and injuries of both arms, both legs, or paired skeletal muscles who have a current combined rating of 90%.
 - **VA will adjust the affected combined evaluations of running awards effective on April 16, 2023, without requiring a claim.**

- **Why is VA doing it?** VA is changing this portion of the VA Schedule for Rating Disabilities to ensure affected veterans receive the appropriate level of compensation that their disabilities warrant.
- [See 38 C.F.R. 4.26](#)

Here's more:

- [Interim Final Rule](#)
- [Federal Register](#)

Practice Like a Pro

526EZ and Blank Check

We are seeing VA development letters regarding invalid direct deposit issues after submission of the VA Form 21-526EZ to include boxes 30-32 for direct deposit information.

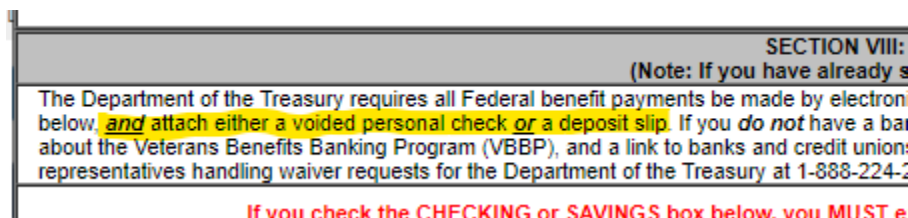
ISSUE: VA is sending a development letter asking for a voided check.

We received your request to update Direct Deposit information, but your request could not be completed. Your request could not be processed because:

- To enroll in direct deposit in conjunction with completion of a VA 21-526EZ, Application for Disability Compensation and Related Compensation Benefits, with expiration date November 2025, you must attach either a voided personal check or a deposit slip.

VA has not required a voided check with the VA Form 21-526EZ for several years. However, with the last update of the 21-526EZ (Nov 2022), VA reinstated needing to attach a voided check for the application process. They are now holding to the requirement and are sending the development letter.

Section VIII on the 21-526EZ form states: "To enroll in direct deposit, provide the information requested below, and attach either a voided personal check or a deposit slip."



SOLUTION: Include a copy of a voided check or deposit slip with the VA Form 21-526EZ package submission.

Advocate Spotlight

National Veterans Legal Services Program Success

NVLSP's success at the Court of Appeals for Veterans Claims continues to benefit Tennessee Veterans. Since the establishment of TDVS's partnership with NVLSP in July of 2019, NVLSP has offered appellate representation at the Court of Appeals for Veterans Claims (CAVC) to 250 Tennessee claimants. All but one of the appeals that have reached a conclusion at CAVC have been resolved in the Veteran or Appellant's favor.

Remember: Use the TDVS power of attorney to ensure that all claimants are offered this opportunity.

I need more: Offers from NVLSP to represent a client before CAVC are sent via letter along with an introductory letter from Commissioner Baker. [Here's what it will look like](#). Additional details about TDVS's partnership with NVLSP can be found in the [TDVS Partnership with the National Veterans Legal Services Program Fact Sheet](#).

Do you have an advocacy success story or something you'd like to see included in an upcoming bulletin? If so, [share](#) for a future bulletin.

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

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