

**TDVS Benefits Bulletin**  
**24-5**

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*This month's bulletin is 1,702 words and will take just over 6 minutes of your time.*

**1 big thing: Supreme Court Sides with Veteran in VA Education Benefits Case**

⚖️ The Supreme Court agreed with Veteran James Rudisill that Veterans can use benefits accrued under both the Montgomery GI Bill and the Post-9/11 GI Bill up to a 48-month aggregate benefits cap.

**Why it matters:** This opinion could provide additional education benefits for an estimated 1.7 million Veterans.

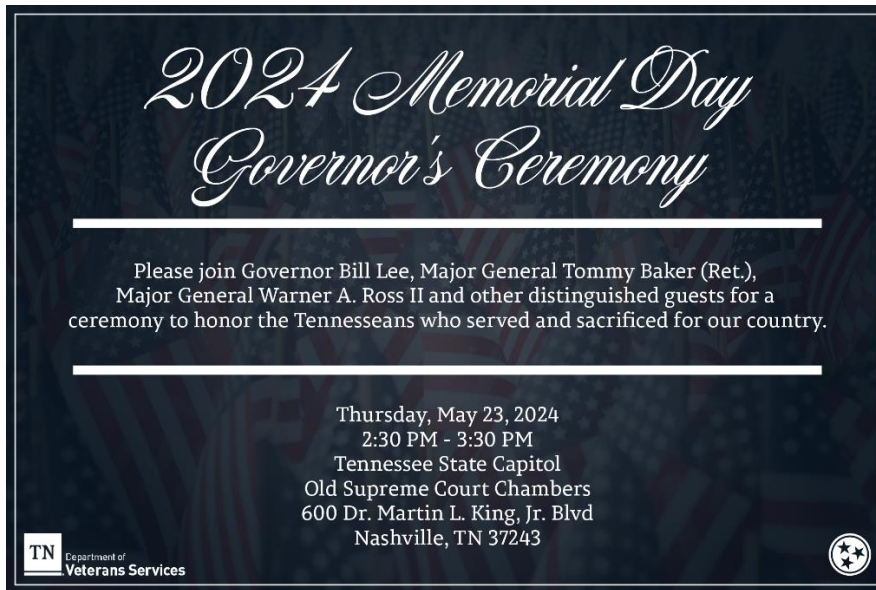
**Background:** Mr. Rudisill enlisted in the Army in 2000 and served a total of eight years over three separate periods of military service. He became entitled to Montgomery Bill benefits as a result of his first period of service. He earned an undergraduate degree and used over 25 months of Montgomery GI Bill benefits to support his education. Rudisill also became entitled to more generous education benefits under the Post-9/11 GI Bill and sought to use them to finance a graduate degree. VA limited his benefits to the remainder of the 36-month of unused Montgomery GI Bill benefits rather than the remainder of both benefits up to the 48-month benefit cap.

**Dig deeper:** It's not every day a Veteran law issue reaches the United States Supreme Court. Here's more if you want to dig deeper.

- Supreme Court's Rudisill [Opinion](#)
- [Notable Veterans Law Cases](#) at Supreme Court

**TDVS Updates**

Governor's Memorial Day Ceremony



### VetraSpec Update 24-1

 **Tennessee VetraSpec Users are scheduled to receive the VetraSpec 24.1 update** this Saturday, May 11<sup>th</sup>.

#### **What do I need to do:**

- **One** -- Please do not attempt to log in to the site on Saturday, May 11<sup>th</sup>.
- **Two** -- Clear your browser cache before logging in Monday morning. *This is a very important step; many of the post-update issues that users experience result from failure to clear the cache.*
  - [Instructions for Firefox users](#) (Check "Cached Web Content")
  - [Instructions for Chrome users](#) (Choose "All Time" and check "Cached images and files")
- **Three** -- After logging in for the first time, please use the control panel to set up multi-factor authentication for your account.
- **Four** -- Stay the Course – Continue to use VetraSpec and its filing tools (Package-A-Claim, Digits-To-Digits, Direct Submit) as trained.
  - Additional guidance, training and fact sheets will follow soon as TDVS validates the new functionality.

**What's next:** If you experience any issues after the update, please contact [FD-VetraSpecSupport@tylertech.com](mailto:FD-VetraSpecSupport@tylertech.com) for assistance. Please also notify your Regional Director or [TDVS.VBANAS@VA.GOV](mailto:TDVS.VBANAS@VA.GOV), so TDVS has visibility of and can work to resolve common issues.

**I need more:** Here's your [one-stop shop](#) for all things VetraSpec Release 24-1. Check out --

- Release Notes Detailing Changes and New Features
- VA's Official communication Regarding the Move from D2D to Benefits Claims
- User Guide for Benefits Claims - Available to Users Who Currently Have D2D Access
- Instructions for Clearing Browser Cache


Annual Conference 2024  
“Leading the Nation – Tennessee Veteran Advocacy”

[Registration is open for TDVS's Annual Conference 2024](#). It will be held September 30<sup>th</sup> – October 2<sup>nd</sup>, 2024 at the Chattanooga Convention Center & Chattanooga Marriott Downtown, 1 Carter Street, Chattanooga, TN.

**Here's your [one-stop shop](#)** for all things Annual Conference. Check out --

- Information on Parking & Venue
- Things To Do in Chattanooga
- And More Coming Soon

 **Save the Date** – [TDVS Lunch & Learn](#) September 11th, 11:30 a.m. to 12:30 p.m. CST – 2024 Annual Training Conference Update

 [TDVS' Knowledge Library](#)

- Added [TDVS Accreditation Course Smartbook](#) April 2024 in VSO Tools - Publications
- Added [TDVS Benefits Bulletin 24-4](#) in VSO Tools – Benefits Bulletin – 2024
- Added [May 2024 TN CSO Contact Roster](#) – VSO Tools – Organizations
- Added [May 2024 Lunch & Learn: BVA Appeals – Evidence Informed Advocacy](#) – VSO Training Resources – Monthly Training 2024

Training Updates

**What's next:** Here's the training schedule for the next few months:

- May – [Lunch & Learn](#), Wednesday, May 8, 11:30 a.m. to 12:30 p.m. CST – BVA Appeals – Evidence Informed Advocacy
- June – [Lunch & Learn](#), Wednesday, 12, 11:30 a.m. to 12:30 p.m. CST – TDVS Veteran-Ready Business Recognition Program
- July Quarterly Accreditation Training – Date(s) TBD – Virtual
- July Initial Accreditation Training, Monday, July 22 – Friday, July 26
- [2024 Training Schedule](#)

## **VA and Veteran Benefit Updates**

### **Final Rule – Update and Clarify Regulatory Bars to Benefits Based on Character of Discharge**

**VA has published a final rule in the Federal Register** that will amend its regulation regarding character of discharge (COD) determinations. The final rule is effective June 25, 2024.

**Why it matters:** These amended regulations will broaden access to VA benefits for former service members with other than honorable discharges or bad conduct discharges adjudged at special court-martial. The last update to this regulation occurred more than 40-years ago.

**What do I need to do:** Encourage Veteran with other than honorable or bad conduct discharges, including formerly denied service members, to apply for VA benefits. While VA's determination doesn't alter the Armed Forces' characterization of discharge, it's crucial for benefits eligibility.

**Background:** The new regulation eliminates the bar to benefits for “homosexual acts involving aggravating circumstances or other factors affecting the performance of duty” and introduces a compelling circumstances exception for former service members discharged for misconduct or offenses involving moral turpitude or acts formerly defined as immoral or contrary to established military standards of conduct. VA is now able to consider factors like discrimination, mental or physical health struggles, and combat-related hardships when their discharge status was not characterized as honorable or general.

#### **I need more:**

- [Final Rule](#)
- [Federal Register](#)
- [2024 Spring Regional Training](#) – NVLSP's Lawyers Serving Warriors Program – Discharge Upgrades
- [TDVS Fact Sheet - Complex Claims Assistance Program – Discharge Upgrades](#)

### **Response to Comments for VA to Assess Scientific Literature and Claims Data Regarding Certain Medical Conditions Associated with Military Environment Exposures**

**VA has published a response to comments** in the Federal Register as it plans to assess the scientific literature and historical claims data regarding certain medical conditions (multiple

myeloma, acute leukemias, and chronic leukemias) associated with military environment exposures.

**Why it matters:** This review will help VA determine whether these conditions become presumptive in the future. It also matters because it is the continuation of the new process for establishing presumptive conditions, which was part of the PACT Act.

**I need more:**

- [Response to Comments](#)
- [Federal Register](#)
- [VA's Initial Press Release](#) Announcing Review
- [TDVS Benefits Bulletin 23-8](#) Discussing Review

IVF Federal Register Notice

**VA has published a [notice](#) in the Federal Register** announcing Instruction of the Secretary 01-24, which addresses the expansion of Eligibility for IVF benefits to qualified Veterans and their spouses.

**Why it matters:** The updated policy clarifies that VA's coverage of in-vitro fertilization (IVF) is expanded to include --

- Eligible unmarried Veterans; and
- Eligible Veterans who need to use donated sperm, eggs, or embryos, such as same-sex couples.

Veterans who receive IVF from VA must be unable to procreate without the use of fertility treatment due to a health condition caused by their military service.

**Background:** By law, VA's IVF policy must adhere to the Department of Defense's. DoD updated its policy on March 8, permitting VA to offer this expansion in coverage. The Instruction of the Secretary does not create new policy, but instead clarifies how VA's IVF policy should be carried out given the DoD's recent policy amendment.

**I need more:**

- [Notice](#)
- [Federal Register](#)
- [VA Press Release](#)
- [Information](#) about reproductive health at VA.
- [Information](#) about IVF at VA.

## VA & National Instant Criminal Background Check System (NICS) Reporting Requirements

**The Consolidated Appropriations Act of 2024 restricts VA** from reporting a beneficiary to NICS unless there is an order or finding from a judicial authority that the beneficiary is a danger to themselves or others.

**Why it matters:** VA briefly stopped reporting to NICS when the Appropriations Act became law on March 9<sup>th</sup> while it implemented this change and updated its electronic reporting. Reporting resumed on May 6<sup>th</sup> in compliance with the Consolidated Appropriations Act of 2024 and includes reporting for removal from the NICS database of individuals who have been determined to be competent and those who are deceased.

**Background:** When a Veteran is determined to be mentally incompetent, VA is required by law (the Brady Act) to notify NICS. In passing the Consolidated Appropriations Act of 2024, Congress did not amend federal law prohibiting these Veterans from possessing firearms or ammunition; however, it did limit VA's ability to continue reporting to NICS in certain cases.

Specifically, VA previously reported to NICS in situations when the Veterans Benefits Administration determined – based on clear and convincing evidence or a court order – that a VA beneficiary was unable to manage their financial affairs.

Through the remainder of Fiscal Year 2024, VA will only report to NICS in instances when VA is aware that a mentally incompetent beneficiary has been found by a judicial authority to be a danger to themselves or others.

### **I need more:**

- [M21-1](#) Adjudication Procedures Manual – Updated to clarify NICS reporting requirements.

## **Practice Like a Pro**

### BVA Appeals – Evidence Informed Advocacy

**May's TDVS Lunch & Learn provided advocates with additional expertise in counseling Veterans** to make evidence informed decisions in appealing to the Board of Veterans' Appeals. If you couldn't catch this month's Lunch & Learn the video and slides are available [here](#).

**Why it matters:** The Appeals Improvement and Modernization Act or AMA offered Veterans more choices in disagreeing with a VA decision. But each choice has consequences. Look at the evidence that led TDVS to establish a written advocacy program and get some tips to help your client's make evidence informed decisions when disagreeing with a VA decision.

**I need more:**

- [Appeals Modernization Act Training](#) (NVLSP) – 2022 TDVS Annual Accreditation Training
- [TDVS Fact Sheet](#) – TDVS Partnership with NVLSP
- Phone a Friend – [Contact Us](#)
- [BVA Quarterly Reports for Fiscal Year 2024](#)

**Advocate Spotlight**

Congratulations on TDVS Accreditation

 Please join us in welcoming Tennessee's newest accredited representatives:

Sonya Arnold, Sullivan County  
Clayton Blaylock, Murfreesboro Field Office  
Gabriel Burns, Knox County  
Angela Hunt, Cheatham County  
Anthony McClyde, Shelby County  
Noah Morrissey, Maury County  
Scott Nation, Anderson County  
Heidi Paumen, Knox County  
Haven Rivera, Cheatham County

Congratulations on your recent completion of TDVS's Accreditation Course and TDVS accreditation!

*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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