

TDVS Benefits Bulletin

19-1

TDVS Updates

VA and Veteran Benefit Updates

Quality Review Insights

Practice Like a Pro

TDVS Updates

Ground Breaking for Bradley County State Veterans Home

On Wednesday, August 21, 2019 Governor Lee [broke ground](#) with Federal, State and Local partners on the Bradley county State Veterans Home. Tennessee has four State Veteran Homes that provide long term skilled nursing care for veterans, veteran spouses and Gold Star parents. Additional information on eligibility and payment can be found on the [Tennessee State Veterans Homes](#) website.

TDVS Partnership with the National Veterans Legal Services Program

The Tennessee Department of Veterans Services (TDVS) is proud to announce a new partnership with the National Veterans Legal Services Program (NVLSP). This partnership will greatly enhance the scope of appellate advocacy that TDVS is able to provide to Tennessee veterans through a review of adverse decisions issued by the Board of Veterans' Appeals in order to determine if there is an appealable error and provide no cost representation at the Court of Appeals for Veterans Claims. See the enclosed *August 27, 2019 Fact Sheet, TDVS Partnership with the National Veterans Legal Services Program*, for additional details.

VA and Veteran Benefit Updates

Student Loan Forgiveness for Disabled Veterans

On Wednesday, August 21, 2019 President Trump signed a [Memorandum](#) that would remove bureaucratic barriers for permanently disabled veterans to qualify for student loan forgiveness. Veterans with a total and permanent service connected disability may qualify for a discharge of certain federal student loans. Additional information on eligibility and how to apply can be found on the Department of Education's Federal Student Aid [website](#).

Quality Review Insights

Informal Conferences During Higher Level Review

One of the options for disagreeing with a VA decision dated February 19, 2019 or later is by filing a VA Form 20-0996 to request a higher level review. Claimants can also request an informal hearing as part of this option. If the claimant elects an informal hearing, please provide the Appeals Division's contact information in order to ensure appellate representation.

PRACTICE TIP... Complete Block 14 of the VA form 20-0996 by selecting 8 to 10 a.m. and 10 to 12:30 p.m. and provide TDVS's Appeals Division contact information -- 615-695-6385 and tdva.vbanas@va.gov.

Electronic Filing

The Digits to Digits (D2D) program has implemented a city, state and zip code validation. Data validation errors related to a veteran or claimant address frequently prevents successful D2D filing. For example, if USPS does not shorten the name of a city (for example Mt. Juliet vs. Mount Juliet), the form is not able to be successfully filed using D2D, which is the fastest way to get forms and documents to VA.

PRACTICE TIP... A few practice tips that will reduce this error:

- Spell out the entire city name in the VetraSpec database.
- Always include a city, state and zip code in the VetraSpec database.
- Use usps.com "look up a zip code" to validate city spelling and addresses.

VA Form Versions

TDVS and VetraSpec are aware that the VA Form 21-0966 (MAR 2017) currently in VetraSpec is not the most recent version of this form. However, VetraSpec cannot update Digits-to-Digits eligible forms, such as the VA Form 21-0966, without first coordinating and receiving approval from VA's Digits-to-Digits team. TDVS has been in contact with both VetraSpec and VA on these issues.

VA should accept outdated forms when prepared and packaged using VetraSpec and when filed by TDVS's Appeals Division. This means forms need to be created and packaged in VetraSpec for filing by the TDVS Appeals Division and not faxed directly to VA.

VA's Adjudication Procedures Manual (M21) has been changed to protect the veterans and claimants we are serving by requiring VA to accept outdated forms when received from a VSO.

- First, outdated forms will be accepted when generated through a VA electronic claims submission system such as D2D. That is the Appeals Division's first method of transmission with eligible forms and attachments packaged to the Appeals Division.
- Second, there is a provision directing VA to accept outdated forms when submitted by an authorized VSO representative. The Direct Upload and Direct Submit tools the Appeals Division uses to file will serve as sufficient evidence of submission by a VSO.

*PRACTICE TIP...*Contact the Appeals Division at tdva.vbanas@va.gov if VA does not accept a form version that is in VetraSpec, so staff can address the issue.

Practice Like a Pro

The National Veterans Legal Services Program has provided some good FAQs for Blue Water Vietnam Veterans on their [website](#). Specifically, NVLSP recommends including the following language when filing supplemental claims for disability or survivor benefits.

If the veteran previously filed a **disability claim** for a disease VA now recognizes as associated with Agent Orange and the VA finally denied that claim, they should file a supplemental claim for disability compensation for that disease using VA Form 20-0995. On that form, you should check the box for "compensation" in block 12, and write the following language in box 13A: "I am entitled to disability benefits for [put in name of your Agent Orange related disease] under the Blue Water Navy Vietnam Veterans Act of 2019 and Procopio." In block 13B of that form, you should write the date of the VA decision that denied you benefits for that disease.

If a survivor previously filed a **claim for Dependency and Indemnity Compensation (DIC)** and the VA finally denied that claim, they should file a supplemental claim for DIC using a VA Form 20-0995. On that form you should check the box for "pension/survivors benefits" in block 12, and write the following language in box 13A: "Because of the Blue Water Navy Vietnam Veterans Act of 2019 and Procopio, I am entitled to DIC given that [put in name of the Agent Orange related disease that led to the veteran's death] led to the veteran's death." In block 13B of that form, you should write the date of the VA decision that denied you DIC benefits.



**TDVS Partnership with the National Veterans Legal Services Program
Fact Sheet
August 27, 2019**

The Tennessee Department of Veterans Services (TDVS) is proud to announce a new partnership with the National Veterans Legal Services Program (NVLSP). This partnership will greatly enhance the scope of appellate advocacy that TDVS is able to provide to Tennessee veterans.

NVLSP is a non-profit organization of attorneys with advanced advocacy skills and extensive knowledge of the workings of the Department of Veterans Affairs and Court of Appeals for Veterans Claims. Since 1981, NVLSP has helped veterans obtain over five billion dollars in disability benefits.

What does this partnership do?

NVLSP has agreed to review adverse decisions issued by the Board of Veterans' Appeals (BVA) in order to determine if there is an appealable error. If NVLSP finds that the BVA wrongly denied a benefit or benefits that a TDVS veteran rightfully deserves, NVLSP will offer representation of that veteran at the next appellate level -- the United States Court of Appeals for Veterans Claims (CAVC). NVLSP will provide this representation at no cost to the veteran or claimant.

Who Is Impacted?

Veterans or claimants represented by TDVS that have received a denial from the Board of Veterans' Appeals.

This agreement extends only to veterans and claimants that are represented by TDVS. It does not apply to Tennessee veterans that are represented by another service organization, such as The American Legion or VFW, which TDVS supports.

NVLSP has begun reviewing adverse decisions issued by the BVA dated July 1, 2019 or later.

How will a veteran or claimant know if NVLSP has found an appealable error?

NVLSP will send the veteran or claimant a written offer to provide free representation at CAVC. This offer will be sent to the mailing address that the Veterans Benefits Administration has on file. The offer will be from NVLSP, but it will include an introductory letter from the Tennessee Department of Veterans Services.



In addition, TDVS will be notified when NVLSP sends their written offer, so we can address any concerns that veterans have.

Practical Considerations

You do not need to take any action. This review will occur without a veteran, claimant or representative needing to take any action.

TDVS does not have control over which veterans are selected. NVLSP will conduct an independent review of BVA denials and make their own decision as to whether they will offer representation at CAVC.

NVLSP will review all BVA denials for TDVS veterans, but will not offer representation to all of them. You may want to consider the fact that not all veterans will be selected before disseminating this information to all of your TDVS veterans. We do not know yet what percentage of cases will be selected.

Who can I contact if I have questions about this agreement or its impact?

Please contact TDVS's Department Counsel, Kathryn Held at 615-695-6385 or Kathryn.held@tn.gov.