

TDVS Benefits Bulletin
20-11

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TDVS Updates

TDVS's December Lunch and Learn: Death Benefits

TDVS's next lunch and learn will be on Wednesday, December 9th from 11:30 to 12:30 C.S.T.

Annual Training Conference

The final two events of this year's Annual Training Conference will be –

- *What Every Veteran Advocate Needs to Know About Discharge Upgrades* (1.5 hours), Monday – Friday, November 16-20, 2020, Recorded NVLSP Webinar available for 5 days, 24 hours per day to view at your convenience.
- The Final Examination will be held on November 20, 2020 from 1 p.m. to 2 p.m. C.S.T. via WebEx.

All attendees should have received a certificate of attendance within 24-48 after each session. Training Schedule and Slide presentations are presentation videos are available [HERE](#).

VA and Veteran Benefit Updates

Annual Cost-of Living-Adjustment

Veterans and survivors will see an annual cost-of-living adjustment of 1.3% in 2021. This adjustment is effective December 1st and will appear in the compensation benefits paid December 31, 2020. The cost-of-living adjustment is determined by the Bureau of Labor Statistics' Consumer Price Index and matches the one for military retirees and social security recipients.

Adverse Credit Reporting or Debt Collection Actions Resulting from Community Care

As discussed during presentations on Reimbursement of Emergency Medical Expenses and VA Debt Management Center at the [Fall Training Conference](#), VA medical billing and/or reimbursement may result in adverse financial consequences for veterans. The Veterans Health Administration has made employees from its Office of Community Care available to help veterans resolve adverse credit reporting or debt collection actions resulting from authorized VA community care. The toll-free number for assistance is 877-881-7618 (option 1), Monday through Friday from 8 a.m. to 5 p.m. E.S.T.

Quality Review Insights

VetraSpec's Package a Claim Reminders

- Please do not package a VA Form 21-0966 and application for the SAME BENEFIT identified on the 0966 on the same day. Please avoid packaging a VA Form 21-0966 (Intent to File) for a veteran if you will package an application for the same benefit identified on the intent on the same day. If an intent and application for benefits are filed on the same day, the Appeals Division will file only the application because the intent would not be effective if filed the same day as an application for benefits.
- Please attempt to package all documents relevant to a claim or other filing in the same package. The Appeals Division has encountered instances where a 21-22 is packaged, then a short time later a 21-0966 or 21-526EZ is packaged, then supporting evidence for that claim or a 4138 is packaged all within a short time period. To the greatest extent possible, these forms/documents should all be included in one package. This assists the Appeals Division in conducting quality review and ensuring a claim remains fully developed by submitting the claim, and any additional evidence, forms or documents as a single filing.
- Please do not re-package a form or document that has already been packaged. Depending on the digital filing method, it can take several days for a form or document to appear in VBMS after filing with VA. The Appeals Division has seen instances of VA Form 21-22s or other documents re-packaged just because it does not appear in VBMS. Please contact your Regional Director or the Appeals Division to investigate a form or document that is not yet associated with a veteran's record prior to re-packaging.

Power of Attorney

Veterans Resource Coordinators (VRC) and County Veteran Service Officers (CSO) should be reviewing VA systems to determine whether a Power of Attorney (POA) is of record when providing claims assistance.

The Appeals Division has received packages with a 21-22 when the same organization listed on the 21-22 was already appointed as representative. Further, in conducting quality review the Appeals Division has found that VetraSpec has not always been updated to reflect the current POA of record in VA systems. Not every claim requires submission of a new VA Form 21-22 (Power of Attorney). The bottom line is if you're able to see documents in VBMS then there is a valid POA in place.

Utilizing VA systems will also ensure that you hold the appropriate accreditation necessary to represent a veteran or other claimant before VA. Please remember that a valid power of attorney, executed on a VA Form 21-22, is required to represent a claimant before VA.

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.

Digital Filing and Supporting VBA's Mail Automation Efforts

Starting January 1, 2021, VA will no longer be accepting faxed submissions. TDVS is prepared for this transition because the Appeals Division provides quality review feedback that negatively impacts the Departments ability to file claims and associated materials digitally. Much of this feedback is also applicable to how TDVS can better support VBA's mail automation efforts.

The Veterans Benefits Administration (VBA) is working over the next few months to automate its mail processes in order to provide faster claims processing for veterans and claimants. In support of this effort VBA identified concrete actions VSOs can take to support faster claims processing:

- Use Electronic Filing
 - TDVS is already supporting this effort by using Digits-to-Digits or Direct Submit for nearly all claims and compensation mail filed through the Appeals Division.
- Double Check Form Completion
 - TDVS is already supporting this effort though it's quality review program. We have frequently identified and shared information to support form completion and successful electronic filing.
 - VBA has requested service organizations take the following efforts to speed the delivery of benefits: VBA receives many forms that are incomplete and without signature - this delays claims processing
 - Submit legible, quality documents
 - Ensure all checkboxes are completely filled-in

- If information is not applicable, leave the field blank; do not use "N/A"
- Do not use acronyms for Veterans Service Organization names or claimed disabilities
- Keep handwritten notes clear with BLOCK letters written in dark ink
- Sign and date forms clearly with dark ink
- Digits to Digits (D2D) program remains the Appeals Division's preferred method to file eligible forms, which include the VA Form 21-22, VA Form 21-0966 and VA Form 21-526EZ. Tips to help ensure the forms you generate are D2D eligible can be found here - [Digits to Digits and Digital Filing Fact Sheet](#)

Practice Like a Pro

National Veterans Legal Services Program (NVLSP) Updates

Since the establishment of TDVS's partnership with NVLSP in July of 2019, TDVS has sent over 300 Board of Veterans' Appeals denials to NVLSP for review. NVLSP has offered appellate representation at the Court of Appeals for Veterans Claims (CAVC) to approximately 18% of these claimants. Nearly 100% of the appeals that have reached a conclusion at CAVC, have been resolved in the veteran or appellants favor.

NVLSP Disposition Update as of October 12, 2020

- Total Number of Veterans/Claimants Offered Representation = 51 (**Approximately 18% of denials referred to NVLSP have been offered representation)
 - Active Appeals at Court of Appeals for Veterans Claims = 21
 - Resolved Appeals at Court of Appeals for Veterans Claims = 11
 - Win – Joint Motion for Remand or Partial Remand = 10
 - Dismissed/Withdrawn = 1
 - Never Appealed = 10
 - Services Offered and Awaiting a Response = 9

Please remember to use the TDVS power of attorney to ensure that all claimants are afforded this opportunity. Additional details about TDVS's partnership with NVLSP can be found in the [TDVS Partnership with the National Veterans Legal Services Program Fact Sheet](#).

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