

**TDVS Benefits Bulletin**  
**21-4**

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**TDVS Updates**

Monthly Lunch and Learn

TDVS's next monthly lunch and learn is scheduled for Wednesday, April 14, 2021 at 11:30 CST and will explore the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA).

2021 Spring Regional Quarterly Accreditation Training (Virtual)

On behalf of your Regional Leadership, you should have received a calendar invitation to participate in the mandatory 2021 Spring Regional Quarterly Training (Virtual). We are excited to announce that the U.S. Department of Veterans Affairs Nashville Regional Office will participate in this year's Spring Regional Quarterly Training. They have lined up some fantastic and engaging instructors that will present training on the following:

- How to Expedite VA Claims (i.e. Certifying the DD Form 214, D2D, 21-4138, 21-686c, etc.)
- VA Fiduciary Program
- VA Non-Service-Connected Pension

Middle Region Quarterly Training: Friday, May 07, 2021 from 9am – 12pm CST

East Region Quarterly Training: Tuesday, May 11, 2021 from 9am – 12pm EST or 8am – 11am CST

West Region Quarterly Training: Wednesday, May 12, 2021 from 9am - 12am CST

**VA and Veteran Benefit Updates**

Important Veteran Components of American Rescue Plan

The American Rescue Plan, signed into law on March 11th, contained several [veteran serving provisions](#).

- Co-payments for medical care and pharmacy services provided by the Veterans Health Administration (VHA) during the period of April 6, 2020 through September 30, 2021 will be cancelled. All copayments paid to VA for medical care and prescriptions for the period of April 6, 2020 to present will be refunded.
- Funding for VA to establish a Veterans Rapid Retraining Assistance Program to provide training and employment assistance for unemployed veterans. Additional information and the recently released High Demand Occupation List can be found here - <https://benefits.va.gov/gibill/vrrap.asp>.

### SAVE LIVES Act Allows VA to Vaccinate All Veterans, Spouses and Caregivers

Soon, all veterans, their spouses and caregivers will be able to get a COVID-19 vaccination from VA. The SAVE LIVES ACT was signed into law March 24<sup>th</sup> and VA is currently testing their enrollment and delivery systems to accommodate nearly 30 million additional people. Please see Dr. Richard Stone's, Acting Secretary for Health, message below.

Veterans, spouses and caregivers should go to <https://www.va.gov/health-care/covid-19-vaccine/> and sign up for a COVID-19 vaccine.



## **Quality Review Insights**

### Establishing a Claim – VA Form 21-526EZ vs. VA Form 20-0995

The Local Appeals Team is seeing a recurring issue with the establishment of some supplemental claims (VA Form 20-0995) when the VA Form 20-0995 is filed in the same package as a VA Form 21-526EZ. The trend has been for VA to establish the original or claim for increase (VA Form 21-526EZ) while leaving the supplemental claim (VA Form 20-0995) unworked and not put under control.

The Local Appeals Team has raised this issue with the VA Regional Office in Nashville and will take the following steps to address this issue as VA works to remedy:

- Please package VA Form(s) 21-526EZ and VA Form(s) 20-0995 separately.
- The Local Appeals Team will file VA Form(s) 21-526EZ and VA Form(s) 20-0995 separately. This filing method has been incorporated into the quality review and claims filing SOP.

These steps will help avoid VA failing to establish a claim resulting in lengthy delays and confusion for the veterans we serve.

### VA Form Versions

The Local Appeals Team is seeing outdated forms, not hosted, or prepared in VetraSpec, that are being packaged for filing. We believe employees or county partners may have saved a form version, that has since been updated, outside of VetraSpec to use it as a quick resource when emailing clients in a virtual environment or conducting outreach. Unfortunately, when prepared outside of VetraSpec, VA will not accept outdated form versions.

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.

VA's Adjudication Procedures Manual (M21-1) 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 Digits to Digits and Direct Submit tools the Appeals Division uses to file will serve as sufficient evidence of submission by a VSO.

*PRACTICE TIP...* If you have questions or VA does not accept a form version that is in VetraSpec, contact TDVS's [Appeals Division](#) so staff can address the issue.

### **Practice Like a Pro**

#### Nashville Regional Office Resumes Hearings

The TDVS Appeals Division's customer service includes providing oral advocacy in support of veterans and claimants. Here are a few updates regarding hearings and informal conferences:

- Pre-determination Hearings - The Nashville Regional Office is resuming pre-determination hearings. These will be formal hearings conducted either in-person or via Microsoft TEAMS and like all formal hearings, they will be recorded, and a transcript will be created.

Please note there is a distinction between a formal and informal hearing, so if VA contacts a veteran and asks them to conduct a phone hearing ensure the veteran clearly understands the type of hearing that VA is requesting to hold. The Local Appeals Team

- Board of Veterans' Appeals (BVA) Hearings - Because of the partnership and support of County Veteran Service Officers, the Appeals Division can now provide representation via [Virtual Hearing](#) technology without the physical and financial burden of long-distance travel.
- Informal Conferences - 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 request an informal hearing as part of this option. If the claimant elects an informal hearing, please provide the Appeals Division's contact information 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 - Tennessee Department of Veterans Services, 615-695-6385 and [tdva.vbanas@va.gov](mailto:tdva.vbanas@va.gov).

**PART II - HIGHER-LEVEL REVIEW OPTIONS**

13. IF YOU WOULD LIKE THE SAME OFFICE THAT ISSUED YOUR PRIOR DECISION TO CONDUCT THE REVIEW, YOU CAN MAKE THAT REQUEST BY CHECKING THE BOX BELOW. IF YOU DO NOT CHECK THE BOX, VA WILL TAKE THAT AS A REQUEST TO HAVE A DIFFERENT OFFICE CONDUCT THE REVIEW. *(Please note VA may be unable to grant your request.)*

If available, I would like **HIGHER-LEVEL REVIEW** conducted at the same office within the agency of original jurisdiction.

14. IN ADDITION, YOU OR YOUR AUTHORIZED REPRESENTATIVE MAY REQUEST AN INFORMAL CONFERENCE WITH THE HIGHER-LEVEL REVIEWER. *(This is a telephonic communication with the higher level reviewer for the sole purpose of pointing out errors of fact or law in the prior decision. VA will only conduct one informal conference associated with this request for higher-level review. Check the box below to request an informal conference.)*

I, or my representative, would like an **informal conference**. *(VA will make up to two attempts to call you between 8:00a.m. and 4:30p.m. Eastern Standard Time at the telephone number and time period you select below to schedule your informal conference. Please select up to two time periods you are available to receive a phone call.)*

8:00a.m. - 10:00a.m.     
 10:00a.m. - 12:30p.m.     
 12:30p.m. - 2:00p.m.     
 2:00p.m. - 4:30p.m.

If you would like for VA to contact your representative, please provide your representative's name and telephone number where he or she can be reached at the above checked time.

Please contact TDVS's [Appeals Division](#) if you have any questions or concerns.

### National Veterans Legal Services Program (NVLSP) Updates

Since the establishment of TDVS's partnership with NVLSP in July of 2019, TDVS has sent over 450 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 16% of these claimants. Nearly 100% of the appeals that have reached a conclusion at CAVC, have been resolved in the veteran or appellant's favor.

NVLSP Disposition Update as of April 7, 2021

- Total Number of Veterans/Claimants Offered Representation = 73 (\*\*Approximately 18% of denials referred to NVLSP have been offered representation)
  - Active Appeals at Court of Appeals for Veterans Claims = 23
  - Resolved Appeals at Court of Appeals for Veterans Claims = 28
    - Win – Joint Motion for Remand or Partial Remand = 27
    - Dismissed/Withdrawn = 1
  - Never Appealed = 13
  - 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](#).

### **Advocate Spotlight**

#### Teaming Up on the Veteran's Side

On Feb 23, 2021, an employee from VA's Tennessee Valley Healthcare System reached out to the Nashville Regional Office (RO) with concern about a Veteran's disability rating. The hospital employee was questioning why the Veteran did not receive SMC-K for a particular



issue. The RO representative reviewed the case and explained the issue. While reviewing the case, the RO representative found a CUE (clear and unmistakable error) by VA on a separate issue. This review identified an 18-year-old mistake.

The Veteran's POA is TDVS. The RO reached out to the Local Appeals Team of TDVS's Appeals Division for assistance in claiming the CUE. The team readily helped in submitting the necessary forms. On March 4<sup>th</sup>, the Veteran received an over \$70,000 retro payment. *That's only 5 working days!* And, it might not be over. TDVS then engaged the CSO in the Veteran's county to provide further assistance. There is the possibility of yet another award in the Veteran's favor.

A great example of how different individuals from multiple organizations worked together to make a HUGE difference for this Veteran. Way to go Team Veteran!!

If you have an example of the teamwork of veteran serving organizations across the state are making a difference in the lives of Tennessee veterans, please share with your Regional Director for possible inclusion in an upcoming "Advocate Spotlight."

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