



# TENNESSEE DEPT. OF VETERANS SERVICES

## ANNUAL CONFERENCE

Effective Advocacy Before VA – Higher Level Reviews  
and TDVS Written Advocacy

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**ANNUAL  
TRAINING  
2023**  
  
KNOXVILLE, TENNESSEE

# Agenda

1. TDVS Written Advocacy
2. Higher Level Reviews
  - I. The Basics
  - II. Advocacy Tips
  - III. Practical Application
3. Questions





# 01

# TDVS Written Advocacy

Additional Advocacy for Tennessee Veterans



## LESS ORAL ADVOCACY

BVA Options – Direct  
Review – Evidence



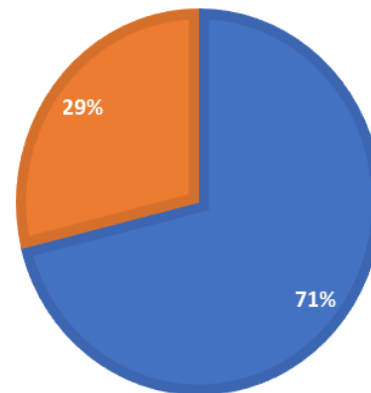
## OUTCOMES

Less success w/out oral  
advocacy / hearing /  
informal conference.

## WHY

### TDVS AMA INVENTORY (CURRENT)

■ Hearing ■ No Hearing



# TDVS Hearing

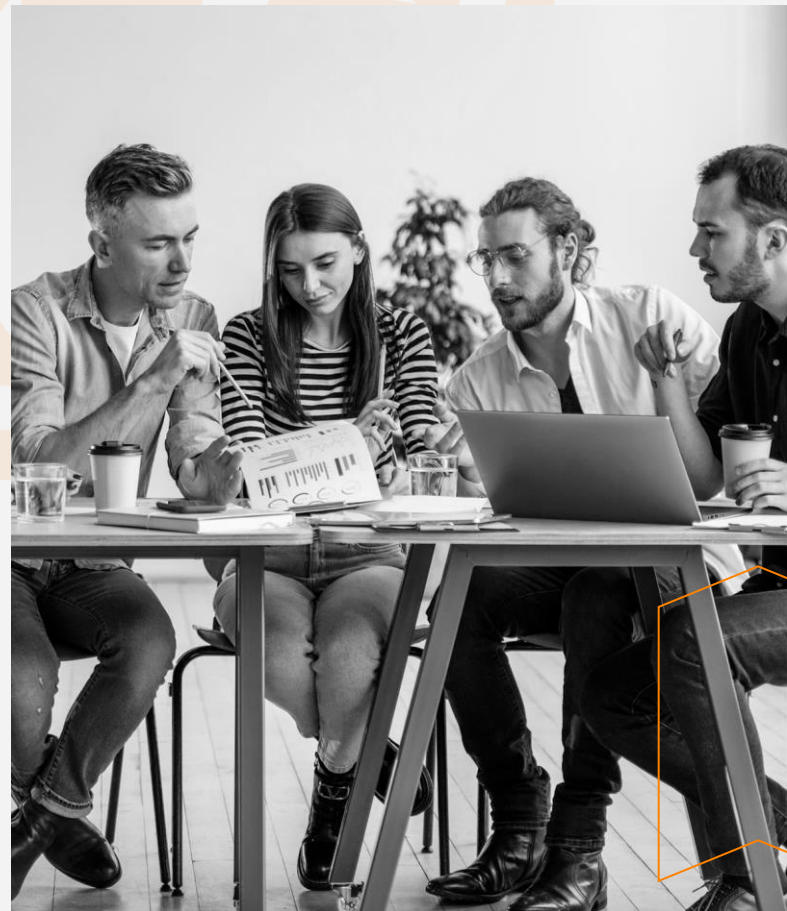
55% Grant; 32% Remand; 13% Denied

# TDVS Other

37% Grant; 41% Remand; 22% Denied

# BVA

Similar Outcomes



# TIMELINE

## TRAINING

NVLSP – Written  
advocacy  
training for  
Appeals  
Division

1

## CASE ID

Review of VA  
Form 10182 and  
VA Form 20-  
0996

2

3

## WRITTEN ADVOCACY

10% of Appeals  
Without Oral  
Advocacy

4

## EVALUATE

Is it changing  
outcomes?

# 02

## Higher Level Reviews

Errors of Fact or Law



# BACKGROUND

## WITHIN A YEAR OF DECISION

Decision date must be  
within a year of HLR  
submission

## WHAT ERROR(S)

Identify error in decision or  
what was missed

## NO NEW EVIDENCE

Only arguments no  
additional evidence

## INFORMAL CONFERENCE?

Optional conference with  
RVSR (VA)

## VA Form 20-0996

Don't forget other options



# ADVOCACY TIPS

Case will be reviewed for an **error** of fact or law. No new evidence is able to be submitted.

## Informal Conference Option

*Local Team, VSO/CSO, or Veteran can request*

- Provides a chance to point out error
- Discuss why you think the decision should change

## 3 Possible outcomes of HLR

1. Grant
2. Deny
3. Duty to assist error

## MUST IDENTIFY AN ERROR!!!



## Positive Outcomes

- Correcting Effective Date
- Rating doesn't match evidence
- Identifying any missed evidence (medical records, nexus, LOD, presumptive service)
- Wrong calculations with Pension

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## PRACTICAL APPLICATION – SCENARIO 1

Peace time veteran (1987-1989) applies for service-connected lumbar condition. He has a current diagnosis and has been seeking treatment for this issue for the last 2 years. There are no STRs showing any event to his back in service. VA comes back with a denial due to **no nexus**. Decision date on the letter is 09/02/2023.

Should we use HLR?

**Veteran is missing a nexus letter  
This will be new evidence that  
will need to be added to a  
20-0995 Supplemental claim.  
Let's play out this claim...**

## PRACTICAL APPLICATION – SCENARIO 2

In country Vietnam Veteran never applied for benefits before. Surviving spouse applied for DIC and was denied, decision date of 04/25/2023. The following was submitted with the claim:

1. Death certificate  
**Renal Failure, dementia, coronary artery disease**
2. Marriage Certificate (Married for 40 years)
3. Completed and signed 21-534ez
4. Medical records
5. DD214

30. REMARKS	C- NONE	XX \$10,000	<input type="checkbox"/> \$10
BLOOD GROUP: A+			
EDUC: THE CITADEL CHARLESTON SC HISTORY 4YRS BA 1956			
ITEM 5a: PERM MAJ USAR APTD 31 JUL 70			
ITEM 22o: SERVED IN VIETNAM FROM 12JUN68 TO 11JUN69;			

### Should you use HLR?

VA made an ERROR and missed this Veterans agent orange exposure in Vietnam leading to a presumptive cause of death disability.

# Tools

**VA**



U.S. Department of Veterans Affairs  
Veterans Benefits Administration

## Informal Conference Fact Sheet

### What is an Informal Conference?

- If you disagree with a benefits decision made by the Department of Veterans Affairs (VA), there are three decision review options available to you. One of these options is a **higher-level review**, which is a new review of an issue or issues previously decided by VA based on the evidence of record.
- Informal conferences are a unique component of the higher-level review decision review option. An informal conference is a telephone contact which can be selected in connection with a request for a higher-level review.

### Information About Informal Conferences

- The informal conference is your opportunity to speak directly with a higher-level reviewer who has reviewed your case. The sole purpose of the informal conference is to point out errors of fact or law in the decision or decisions you are submitting for review.
- Informal conferences are optional. We may be able to complete your decision more quickly if we do not conduct an informal conference. If there are errors of fact or law you want to point out, you may wish to submit a written statement to identify them along with your claim form instead of requesting an informal conference.
- An informal conference is not the same as a formal hearing, and it is important to understand that new evidence cannot be introduced during the informal conference.
  - New evidence cannot be introduced during a higher-level review, as it is a review of the evidence of record at the time of the prior decision.
  - If you have new evidence, you may submit it with an application for a supplemental claim.

SECTION IV - OPTIONAL INFORMAL CONFERENCE	
16. YOU OR YOUR AUTHORIZED REPRESENTATIVE MAY REQUEST AN INFORMAL CONFERENCE 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 by telephonic communication associated with this request for Higher-Level Review.)	
<input checked="" type="checkbox"/> 16A. I WOULD LIKE AN INFORMAL CONFERENCE. I understand electing an informal conference is optional and may delay a decision.	
16B. IF YOU SELECTED THE BOX ABOVE, VA will make two attempts to contact you OR your representative to schedule the informal conference. Contact attempts will be between the hours of 8:00 a.m. and 4:30 p.m. Eastern Time. INDICATE ONE PREFERENCE:	
<input type="checkbox"/> Call me between 8:00 a.m. - 12:00 p.m. ET	<input type="checkbox"/> Call me between 12:00 p.m. - 4:30 p.m. ET
<input checked="" type="checkbox"/> Call my representative between 8:00 a.m. - 12:00 p.m. ET	<input type="checkbox"/> Call my representative between 12:00 p.m. - 4:30 p.m. ET
17. IF YOU WOULD LIKE VA TO CONTACT YOUR REPRESENTATIVE, YOU MUST PROVIDE YOUR REPRESENTATIVE'S CONTACT INFORMATION BELOW:	
17A. REPRESENTATIVE'S NAME (First, Last)	
L i s a	W a r e
17B. REPRESENTATIVE'S TELEPHONE NUMBER (Include Area Code)	
6 1 5 - 3 5 1 - 5 0 6 7	
17C. REPRESENTATIVE'S E-MAIL ADDRESS	
T D V A . V B A N A S @ V A . G O V	

- Review HLR check list
- NVLSP Training
- Sample 21-4138 Identifying Error
  
- All Available At [Conference Website](#)



# 03

## TO SUM UP



# THANKS!

Do you have any questions?

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