TN Department of Veterans Services

West Region Spring Training Webinar

May 26, 2020

Welcome

Assistant Commissioner Patrick Rice Training Officer Ron Dvorsky This presentation is being recorded Connection options Computer/phone

WebEx Orientation

Camera

Microphone (mute)

Chat box for questions

Raise your hand and state your name

Group attendance roster and Code Word



Agenda

- Welcome Commissioner Courtney Rogers
- Welcome Assistant Commissioner Patrick Rice
- Logistics Training Officer Ron Dvorsky
- Appeals Modernization Act Review and Practical Application
- VetraSpec Tips and Tactics
- Remote Claims Assistance
- Question & Answer







Learning is more effective when it is an active rather than a passive process.

- Kurt Lewin —

AZQUOTES



Appeals Modernization - Overview

- Three option framework for claimants to choose from when dissatisfied with VA's decision on their claim:
 - Supplemental Claim 20-0995
 - Higher Level Review 20-0996
 - Board Appeal 10-182
- Additional changes:
 - 1 year from Rating Decision to choose a lane
 - Exception: Opt-in from SOC/SSOC must be done within 60 days
 - Effective date protections for continuously pursued claims
 - Favorable findings of fact binding on other claims
 - No split jurisdiction between VBA and Board for appeals processing (no certification process)



Three Review Options

VBA

Supplemental Claim

- Replaces "reconsiderations" and "reopening" claims with "new and material" evidence
- VA will readjudicate a claim if "new and relevant" evidence is presented or identified with a supplemental claim (open record).
- VA will assist in gathering new and relevant evidence (duty to assist).
- Effective date for benefits is always protected when submitted within 1 year of prior decision.
- Tracked and controlled under EP 040 series
- Decisionmakers are Veterans Service Representatives (VSRs) and Rating VSRs (RVSRs)

Higher-Level Review

- More experienced VA employee takes a second look at the same evidence (closed record and no duty to assist).
- Option for a one-time telephonic informal conference with the higher-level reviewer to discuss the error in the prior decision
- De novo review with full difference of opinion authority
- Duty to assist errors returned to lower-level for correction (quality feedback)
- Tracked and controlled under EP 030 series
- Decisionmakers are Decision
 Review Officers (DROs) and
 Senior VSRs

BVA

Board Appeal

- Evidence only docket: The appellant may submit evidence within the 90 day window following submission of the NOD. The Board does not have a duty to assist and the record is otherwise closed.
- **Direct docket:** The appellant receives direct review by the Board of the evidence that was before VBA in the decision on appeal. The Board has a 365-day timeliness goal for this docket. Quality feedback loop for VBA.
- Hearing docket: The appellant will be scheduled for a Board hearing.
 Additionally, the appellant may submit evidence within the 90 day window following the scheduled hearing. The Board does not have a duty to assist and the record is otherwise closed.

Remember

- Supplemental Claim: Identify the new and relevant evidence.
- Higher Level Review: Identify the error that was made on a previous decision. Be specific! A simple statement such as "I disagree with the decision" is not sufficient.
 - Informal Conferences During Higher Level Review. 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.



Hypo – Intent to File

 Veteran filed a claim for bilateral hearing loss on December 1, 2015. The claim was denied on February 1, 2016 because the VA found no link between the Veteran's hearing loss and his military service. The Veteran comes to you for assistance with refiling because he now has a new audiologist that told him that his hearing loss is related to service. You know that nexus opinions need to be written by a physician, so you suggest that the Veteran go back to his audiologist for an opinion. You tell him that once he brings the written opinion to your office, you will file a Supplemental Claim. Should you file an ITF to preserve this month as his date of claim?



Answer – Intent to File

 No, you should not file the ITF because they do not apply to Supplemental Claims (or Higher Level Reviews/BVA Appeals).



AMA and Blue Water

- Effective 1/1/2020 VA did not begin processing BWN cases until that date.
- Effective date can be earlier than 1/1/2020 if:
 - Vet or survivor filed a claim for SC for a covered AO disease on or after 9/25/1985, but before 1/1/2020
 - Claim was denied because it was not incurred in or aggravated by service
 - Vet or DIC claimant files a supplemental claim for SC of the same disease on or after 1/1/2020
- Effective date will be date of earliest claim for disease filed on or after 1/25/1985



AMA and Blue Water

Here are a couple of examples from actual claims. They at least shed some light on what VA is doing.

TDVS will continue to await publication of regulations or guidance and coordinate with NVLSP to gain additional information.



AMA and Blue Water Claim 1

VA is applying the retroactive effective date rules of BWN Vietnam Veteran Act to supplemental claims filed and pending prior to 1/1/2020. There were other contentions but the below are relevant to effective date application. Grant resulted in approximately \$140K retro award.

Ischemic Heart Disease History ITF 11/25/15 Original Claim 12/23/15 Denial 11/29/16 Supplemental Claim 11/1/2019 Grant w/ effective date of 11/25/15

DMII Original Claim 7/31/07 Denial 3/27/09 Supplemental Claim 11/1/2019 Grant w/ effective date of 7/31/07



VA is applying traditional effective date rules in the case of an original claim received in 2019 and adjudicated in 2020. The theory must be that although BWN Vietnam Veteran Act established 1/1/20 as effective date, prior court case created eligibility for benefits. That's at least our interpretation.

IHD

Intent to File 5/31/19 Original Claim 8/8/19 Grant w/ effective date of 5/31/19...date of intent to file.



Hypo – Blue Water Navy and AMA

 Blue Water Navy veteran filed a claim for esophageal cancer on May 1, 1995. The VA denied the claim on August 1, 1995. The Veteran recently found out that Blue Water Navy veterans are now entitled to benefits for Agent Orange exposure and has come to your office for assistance with refiling. Should you file a Supplemental Claim based solely on the Blue Water Navy Vietnam veterans Act ?



Answer – Blue Water Navy and AMA

 Do not file the Supplemental Claim. Explain to the Veteran that the case will still be denied because esophageal cancer is not currently on the list of conditions that are presumptively associated with Agent Orange. It did not expand the presumptive list. The Veteran will need to have a very strong medical nexus opinion for this case to be granted on a direct service connection theory.



Hypo – BWN and DIC

 Veteran was a Blue Water Navy vet that passed away from Ischemic Heart Disease in October 2010. The Veteran's surviving spouse comes to you after hearing that Blue Water Vets are now entitled to benefits for Agent Orange presumptive. The Veteran had never filed a claim before his death. Should you assist the surviving spouse with filing a claim for DIC?



Answer – BWN and DIC

 Yes. The surviving spouse is now entitled to DIC because the Veteran was a Blue Water Vet who passed away from a condition that is presumptively related to Agent Orange exposure.



Questions?





You've likely noticed several VetraSpec updates over the last few days. In response to several proposals by County partners, VetraSpec has made the following enhancements



VetraSpec – Recent Updates

- Increased Search Fields to Identify Veterans
 - \circ Phone Number
 - VetraSpec User ID
- Increased Information on Search Results Screen to Identify Veterans
 - o Phone Number
 - VetraSpec User ID
 - County or Office Assigned
- Made Visible VetraSpec User ID
 - Unique identifier used to identify veteran records without the need to share any personally identifiable information.
- My Task Tab
 - Listed tasks now include veteran's social security number.
 - Increased the number of tasks shown when users click "Show All" to go back one year.



VetraSpec – Recent Updates

Search for a Veteran

Enter all or part of any of the following:

		LAST NAME:
		FIRST NAME:
(xxx-xx-xxxx)		SSN:
		VA CLAIM NUMBER:
		PHONE: (HOME, WORK OR CELL)
		VETRASPEC ID NUMBER:
	Search	

Percent sign = wildcard. Examples:

> A% in the last name field will return all vets whose last name begins with A. And% in the last name field will return all vets whose last name starts with And (Andrews, Anderson...) %1234 in the SSN field will return all SSN's that end in 1234.



VetraSpec – Recent Updates

	MY TASKS	
	ADD A TASK	
TASK:		
REVIEW BY: Month \$ Day \$ 2020 \$	l de la construcción de la const	
	Add	

TASKS DUE (SHOWING THE LAST 10 RECORDS ENTERED)				SHOW A	<u>\LL</u>
	DUE DATE	VETERAN NAME / TASK	VETERAN SSN	MARK COMPLETED	
	May. 29, 2019		N	ark Completed	
	May. 24, 2019		M	ark Completed	
	May. 24, 2019		M	ark Completed	
	May. 24, 2019		M	ark Completed	
	May. 24, 2019		M	ark Completed	
	May. 24, 2019		M	ark Completed	
	May. 24, 2019		M	ark Completed	
	May. 20, 2019		M	ark Completed	
	May. 17, 2019		M	ark Completed	
	May. 17, 2019		M	ark Completed	

SHOW ALL DUE DATE VETERAN SSN ACTION May. 03, 2018 Delete Delete May. 01, 2018 Delete Delete May. 01, 2018 Delete Delete May. 01, 2018 Delete Delete



VetraSpec - Open Database

- VetraSpec users now have access to all veterans in Tennessee's VetraSpec database.
- REMINDER...<u>Please remember to change the Office</u> <u>and CVSO information</u> to reflect the office (Region/Office/County) and individual (CSO) assisting the client in order to improve the accuracy of VetraSpec's report functions.

OFFICE AND CVSO INFORMATION			
REGION/OFFICE/COUNTY:	Nashville Field Office 🗸		
CSO:	Travis Murphy - TDVS 🗸		
CLAIM MANAGED BY:	Travis Murphy - TDVS 🗸		
RECORD LAST EDITED BY:	Travis Murphy (TDVS) on Dec. 02, 2019		
RECORD ORIGINALLY ENTERED BY:	Travis Murphy (TDVS), on Jun. 27, 2019		
IS THIS RECORD CONFIDENTIAL?	No 🗸		
Save			
Vetra Spec by Data Spec, Inc. <u>www.dataspecinc.com</u> 1-877-568-7732 <u>Help</u> <u>Use constitutes agreement of the TOS</u>			



VetraSpec – Open Database





VetraSpec – My Tasks

- The VetraSpec User Guide Covers This Function Well
 - Allows the user to track responsibilities and be reminded of them.
 - Two ways to establish a task:
 - Click on My Tasks while in the veterans file
 - Click on Pending Issues while in the veterans file

Training Resources can be found:

 <u>https://www.tn.gov/content/tn/veteran/about-us/learning----</u> <u>development-division/training-resources-underdevelopment.html</u>



VetraSpec – Disability Calculator

- Current Ratings allows you to calculate veteran's rating percentage.
 - The Current Ratings feature is valuable because it can be used to calculate future ratings in order to counsel veterans by adjusting disability percentages or adding additional disabilities.
 - Add Current Ratings
 - If you know ahead of time how many disabilities you are going to add, change the 1 in the drop down box after you have clicked on Add a New Rating in the Current Ratings Held tab.
 - Complete requested information to include Type, % Granted, Diagnostic Code, Effective Date, Is Bilateral, Etc. Select Add once all of the requested information is included.
 - The Combined Rating can be viewed from the Quick Overview tab or Current Ratings tab.



VetraSpec – Disability Calculator





Electronic Filing – Digits to Digits (D2D)

- What is D2D?
 - D2D is an electronic claims transmission service between certain partners and VA.
 - TDVS along with the two veteran service organizations TDVS supports (The American Legion and Veterans of Foreign Wars) can file eligible forms using D2D.
- How does it work?
 - VetraSpec has worked with VA to develop electronic transmission capability. Like packaging a claim, select Appeals Division employees can elect to transmit claims meeting specific criteria directly to VA systems, i.e. VBMS.
 - For a successful transmission to occur, we must follow certain business rules.



- Why D2D?
 - Fastest Filing Method Client not waiting for VA to take action on a filing.
 - Establishes the claim along with individual contentions.
 - VA can then begin development much more quickly.
 - Forms and documents never leave VetraSpec during review and filing.



Percentage of 526EZ Successfully Filed with D2D

January 2020 - 52.67% February 2020 - 48.89% March 2020 - 33.42%





- What are the basic requirements for successfully filing with D2D?
 - The 21-526EZ, 21-22 and 21-0966 are eligible for D2D filing.
 - The organization under which you are submitting must already hold POA, or a 21-22 must accompany the submission.
 - All forms must be completed inside VetraSpec, i.e., you cannot scan in a completed 21-526EZ into Documents and send that over D2D.
 - All forms must be <u>signed using a signature pad</u>.
 - The Veterans <u>date of birth must be completed in the veteran's</u> profile prior to generating a form.



- How must forms be completed?
 - Most fields do not allow special characters. Use *only* letters and numbers in fields, unless VetraSpec's red text indicates otherwise.
 If a special character is needed, replace it with the word that describes the character. IE, write the word "percent" instead of using %. Do not use apostrophes.
 - <u>All dates must be complete.</u> IE, MM-DD-YYYY. Partial dates are not accepted in *any* field, including the treatment dates and military service fields on the 21-526EZ.
 - "Yes/No" (checkboxes) on the forms must be answered either Yes or No.
 - Direct deposit information is no longer required on the 526EZ <u>if</u> <u>already established with VA</u>.



18A. DID YOU SERVE UNDER ANOTHER NAME?	18B. PLEASE LIST THE OTHER NAME	(S) YOU SERVED UNDER
YES (If "Yes," complete Item 18B) NO (If "No," skip to Item 19A)		
19A. BRANCH OFSERVICE (Check all that apply)	19B. COMPONENT (Check all that a	ply)
You must check one.	You must check one.	
Required.	Required.	
Month Day Year	Norfolk VA	
ENTRY DATE: September 🗸 - 4 🗸 - 1991 🗸		
EXIT DATE: September 🗸 - 4 🗸 - 1994 🗸		
20C. DID YOU SERVE IN A COMBAT ZONE SINCE 9-11-2001?	20D. ADDITIONAL PERIODS OF SERVICE (India	ate enlistment and discharge dates, if applicable)
You must check one.	VETRASPEC INSTRUCTIONS: If you have more than one a	dditional period of service, please use a 4138 to list them.
	Enlistment Date(s)	Discharge Date(s)
	Month 🗸 - Day 🗸 - Year 🗸	Month 🗸 - Day 🗸 - Year 🗸
21A. ARE YOU CURRENTLY SERVING OR HAVE YOU EVER SERVED IN THE RESERVES OR	21B. COMPONENT	21C. OBLIGATION TERM OF SERVICE
NATIONAL GUARD?	NATIONAL GUARD	Month Day Year
Tou must check one.		From: Month V Day V Year V
(If "No "skip to Item 224)		Month Day Year
		10: Month V Day V Year V
21D. CORRENT OR LAST ASSIGNED NAME AND ADDRESS OF UNIT:	[21E. CORRENT OR ASSIGNED PHONE NUMBER OF UNIT (Include Area Code)	DUTY TRAINING PAY2
		You must check one.
Address		
Address		
City State 7/P		
22A. ARE YOU CURRENTLY ACTIVATED ON FEDERAL ORDERS WITHIN THE NATIONAL GUARD OR	22B. DATE OF ACTIVATION: (MM.DD. YYYY)	22C. ANTICIPATED SEPARATION DATE: (MM.DD. YYYY)
RESERVES?	Month Day Year	Month Day Year
YES NO (If "Yes," complete Items 22B & 22C)	Month 🗸 - Day 🗸 - Year 🗸	Month 🔍 - Day 🗸 - Year 🗸
23A. HAVE YOU EVER BEEN A PRISONER OF WAR?	23B. DATES OF CONF	NEMENT (MM,DD,YYYY)
YES (If "Yes," complete Item 23B)	From:	To:
	Month Day Year	Month Day Year
	Month 🛛 - Day 🗸 - Year 🗸	Month 🛛 - Day 🗸 - Year 🗸



City, State, Zip Validation

- D2D has implemented a <u>city, state and zip code validation</u>. 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. 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.
 - <u>Use the Post Office to "look up a zip code" to validate city spelling and addresses.</u>

VA response:808-Data Validation Error: CurrentMailingAddress: City or State do not match Zip Code



Treatment Dates in the Future

- If a veteran is continuing to receive treatment at a VA medical center, use the date you complete the 526EZ as the end treatment date in block 17 of the 526EZ.
- Treatment dates in the future or leaving the blocks empty prevents successful D2D filing.
 - <u>Block 17B must be complete for successful D2D filing even though</u> <u>Block 17 of the current version of the 21-526EZ includes an option to</u> <u>check if you do not have treatment dates.</u>

17. LIST VA MEDICAL CENTER(S) (VAMC) AND DEPARTMENT OF DEFENSE (DOD) MILITARY TREATMENT FACILITIES (MTF) WHERE YOU RECEIVED TREATMENT AFTER DISCHARGE FOR YOUR CLAIMED DISABILITY(IES) LISTED IN ITEM 16 AND PROVIDE TREATMENT DATES:			
A ENTER THE DISABILITY TREATED AND NAME/LOCATION OF THE TREATMENT FACILITY If a treatment facility is listed here, you must enter complete treatment dates in B.	B. DATE(S) OF TREATMENT		
Alvin C. York VAMC	January V 1 V 2017 TO December V 31 V 2018 V		
Memphis VAMC	January V 1 V 2019 TO January V 3 V 2020 V		
	Month v Day VYear TO Month v Day V		
	Month V Day V Year V TO Month V Day V Year V		



• Service Numbers

 The veteran service number field only accepts numeric characters ie. 1, 2, 3, etc. Do not include letters when populating a service number either in the "Military Service" tab of VetraSpec or when completing forms. These prevent successful digital filing using D2D.



Military Service Information

- Section V of the 21-526EZ requires information about a veteran's military service. Much of the information in blocks 18A. to 23B. is required in order to successfully file using D2D. Some digital filing tips related to military service include:
 - VetraSpec has annotated blocks 20C through 23B in red text in order to assist users in properly completing military service information.
 - The National Guard and Reserve addresses are limited to 20 characters.
 - Military Service information can be entered in the "Military Service" tab of VetraSpec in order to auto-populate 21-526Ezs. Select the "Military Service" button from VetraSpec's menu and either "Add New" or "Edit this Record" to add or edit a veteran's military service information.





VA response:808-Data validation error(s): (1) ReserveInformation:currentOrLastAssignedNa meOfUnit required (2) CurrentOrLastAssignedAddressOfUnit:addressL ine1 is greater than 20 characters



Conclusion

- Tools and Resources
 - VetraSpec User Manual
 - VSO Tools
 - TDVS Fact Sheets
 - TDVS Benefit Bulletins



11-23-2019 The 26-1880 has been updated.



Questions?



