

TDVS Benefits Bulletin
22-3

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TDVS Updates

TDVS Training Updates

- REQUIRED TRAINING – Spring Quarterly Regional Training, April 6th, 2022, from 9 a.m. to 12 p.m. CST. The training event will be virtual with in-person viewing opportunities in each region (East, Middle, West). Invitations were sent to accredited representatives the Week of February 28th.
- April Initial Accreditation Training, April 18th – April 22nd, 2022.
- [2022 Service Officer Training Calendar](#)

Tennessee’s Servicemember, Veteran and Their Family (SMVF) Suicide Prevention Efforts

TDVS has facilitated several learning opportunities in support of Tennessee’s participation in the Governor’s Challenge to Prevent Suicide Among Servicemembers, Veterans and Their Families. Here’s how you can access these recorded trainings and resources --

- [Psych Armor Learning Opportunities](#)
 - S.A.V.E. - **S**igns of suicide, **A**sking about suicide, **V**alidating feelings, **E**ncouraging help and **E**xpediting treatment
 - Advanced De-escalation Techniques
- [Tennessee’s Efforts to Prevent Suicide Among Service Members, Veterans, and Their Families](#) - March 2021 Monthly Training
- [VSO’s Role in Suicide Prevention](#) - June 2021 Monthly Training

Here is a quick recap of available resources --

- [Veterans Crisis Line \(1-800-273-8255 and Press 1\)](#) – Use when confronted with an immediate need for intervention.

- [Regional Directors](#) at the Tennessee Suicide Prevention Network (TSPN) are a resource for training and suicide prevention, intervention and postvention resources for your organization, but not when confronted with an immediate need for intervention.
- [Suicide Prevention Community Engagement and Partnership Coordinator \(CEPC\)](#) at VA are federal partners that serve as subject matter experts for community-based suicide prevention and integration of suicide prevention education throughout your community.

Airborne Hazards: What You Need to Know

TDVS's Training Officer had shared information about this opportunity training. This was VA facilitated and you can find the [presentation](#) and the [Airborne Hazards Useful Resources handout](#) on TDVS's VSO Training Resource Page.

Also, on March 1, 2022, VA issued a [release](#) indicating it will propose adding several rare cancers to the presumed service-connected list as related to military environmental exposures. This will occur through a future rulemaking process in the Federal Register. The best advice you can provide to clients suffering from these disabilities now is to file an intent to file or continue to seek direct service connection pending this future rulemaking.

Please Welcome

- [TDVS Regional Director, West Region](#)

Please welcome Mr. Adam Fields as TDVS's Regional Director for the West Region. Mr. Fields earned his Doctor of Education degree in Leadership in School Reform from Union University and started his career in public education in 2006. He has served as a teacher in the Milan Special School District and the Jackson-Madison County School System. Additionally, Mr. Fields has served in the Tennessee Army National Guard for over 23 years and continues to serve as a drilling Guardsman. Throughout his military career, he has been assigned to various leadership and staff positions and completed multiple deployments in both Iraq and Afghanistan.

- [TDVS Director of State Operations](#)

Please welcome Mr. Anthony (Tony) McConnell as TDVS's Director of State Operations. Mr. McConnell has served Tennesseans for over 30 years both with the Tennessee Highway Patrol and Tennessee Army National Guard. Mr. McConnell earned a Bachelor of Science degree in Criminal Justice Administration from MTSU before he began his career in law enforcement.

Contact information for all of TDVS's [Leadership](#), Field [Offices](#) and [Cemeteries](#) can be found on the TDVS Website.

VA and Veteran Benefit Updates

Regulatory Updates

- Notice of extension of timeframes for notification letters.

On March 4, 2022, VA published [notice](#) regarding VBA mail delays in the Federal Register. Here's what's important for you:

- Claimants should have an additional 90 days to reply to a time-limited notification from VBA for letters dated July 13, 2021 to December 31, 2021.
- VA's education to claimants includes
 - Press Release on November 30, 2021;
 - Email to claimants on December 6, 2021; and
 - A future letter to claimants impacted by these delays.

[Benefit Bulletin 21-11](#) highlighted ongoing VA mail delays and how to obtain copies of correspondence for your clients. [Benefits Bulletin 21-12](#) noted the [press release](#) VBA first used to communicate the extension of response periods by 90-calendar days for claimants with letters dated between July 13, 2021 and December 31, 2021.

Continue to counsel and assist clients to provide timely responses to VA notification letters but be aware VA should not take adverse action in cases where a veteran has been impacted by mail delays.

- Proposed Rule – Schedule for Rating Disabilities; Mental Disorders

On February 15, 2022, VA published a [proposed rule](#) that would amend VA's Schedule for Rating Disabilities or VASRD by revising the portion of the VASRD that addresses mental disorders.

- Proposed Rule – Schedule for Rating Disabilities: Ear, Nose, Throat, and Audiology Disabilities; Special Provisions Regarding Evaluation of Respiratory Conditions; Schedule for Rating Disabilities-Respiratory System

On February 15, 2022, VA published a [proposed rule](#) that would amend VA's Schedule for Rating Disabilities or VASRD by revising the portion of the VASRD that addresses ear, nose, throat, and audiology disabilities.

More on These Proposed Changes to VA's Schedule for Rating Disabilities

These regulatory updates are important because many of you use VA's Schedule for Rating Disabilities (VASRD) to provide counsel to veterans on expected disability levels or whether their symptoms warrant seeking an increase.

As highlighted in [Benefits Bulletin 21-2](#), VA has been in a multi-year process of updating all 15 body systems of the VASRD to reflect modern medicine more accurately. Several body systems were updated last year. Here is a [summary of the changes](#) to the musculoskeletal system that became effective February 7, 2021. The National Veterans Legal Services Program or NVLSP provided in-depth training on these changes at TDVS's 2021 annual conference. During this training, NVLSP also discussed the [applicability of VASRD updates](#). It's important to understand how new rules would apply to existing disabilities and claims filed after the rule becomes final.

On September 30, 2021, VA updated two additional body systems – the cardiovascular and genitourinary systems. TDVS recommends using the electronic CFR or eCFR -- <https://www.ecfr.gov/> -- which is updated nearly daily, to ensure you are accessing the current VASRD and providing the best advice possible to veterans and their family members.

VA Regional Office Visitor Engagement Reporting Application (VERA)

[VA's Nashville Regional Office](#) recently introduced [VERA](#) to help visitors seeking assistance from VA Regional Office Public Contact Teams schedule virtual or in-person appointments.

Practice Like a Pro

TDVS works to identify best practices through its quality review program that help Tennessee veterans and their families obtain the benefits to which they are entitled. Here are some **Advocacy Tips** to support your work.

Advocacy Tips

- What is the best way to file an Intent to File (21-0966) for both Compensation and Pension?

Veterans can file a VA Form 21-0966 (ITF) for both Compensation and Pension using only one form by marking both boxes. However, in [Benefits Bulletin 21-12](#), TDVS highlighted that VA's scanning program could not recognize when both blocks were checked on the VA form 21-0966. Because the form itself is not saved in VBMS there is no way to prove a valid ITF for both benefit types. TDVS offered this **Advocacy Tip** – Create two separate VA Form 21-0966s

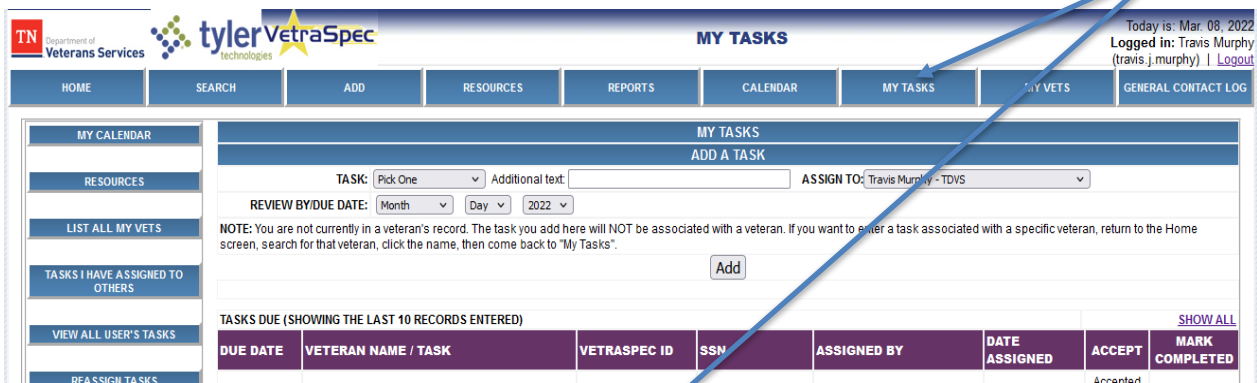
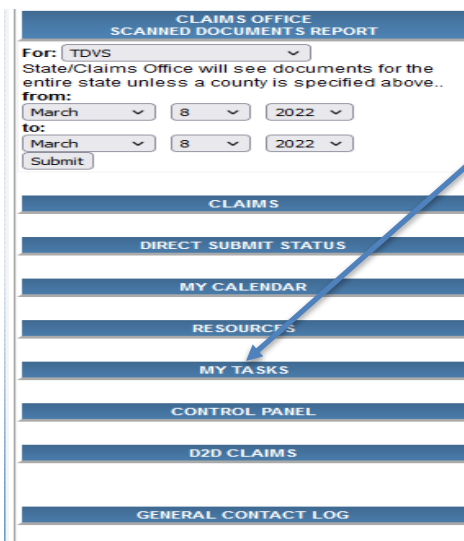
if you are seeking to establish an Intent to File for both Compensation and Pension. VA's scanning program cannot recognize when both blocks are checked on the VA Form 21-0966.

Here's another **Advocacy Tip** for ensuring VA establishes both ITFs when exploring both Compensation and Pension. TDVS's Appeals Division has tracked how this works on several ITFs, and it shows success. When filing an ITF for both Compensation and Pension on the same form, include a VA Form 21-4138 Statement in Support with the following language:

*This Veteran is submitting a VA Form 21-0966 for both Compensation and Pension.
Please ensure both ITFs are established in VBMS.*

- How can I keep track of all the actions I need to take on behalf of the veterans I serve?

VetraSpec's My Tasks Function can be a great organizational and reminder tool. All your reminders are contained within VetraSpec's claims management system. View tasks here:

You create a task when in a veteran's record. From a veteran's record select the "MY TASKS" tab. You'll then see the same "MY TASKS" screen noted above.

Benefits Bulletin 20-7 highlighted several VetraSpec enhancements to the "My Task" function.

- The ability to assign tasks to others in your office. When you assign tasks to others, we log who assigned the task, who it is assigned to and the date it was assigned.
- The ability to Reassign all tasks from one person to another (if you are a super user).
- The ability to view all tasks for all users in your office.
- The ability to view tasks you have assigned to others to track their progress.

Please contact your Regional Director or [TDVS's Training Officer](#) if you want additional information or to facilitate a training on this VetraSpec tool.

National Personnel Records Center Delays – **Another Tool**

[Benefits Bulletin 22-1](#) and an accompanying [TDVS Fact Sheet](#) provided tools and resources available to accredited service officers to support military records requests in light of NPRC delays. Thanks to the Knox County CSO Office, you now have another tool at your disposal to serve Tennessee Veterans and limit the negative impact caused by delays at the NPRC.

[Here](#) is a contact list for state and local governments that might be able to help obtain a discharge document. You can also access it from the VSO Tools – Tools – section of TDVS's website. If you have additions, deletions, edits based on your experiences, please direct them to your Regional Director so this can be a constantly updated resource.

Advocate Spotlight

Using All Available Resources -- Including the Experience of Other Advocates -- for the Benefit of the Veteran

In February of 2021, a Vietnam Veteran sought the assistance of a Veterans Resource Coordinator in the Jackson Field Office to file a claim for bladder cancer because of Agent Orange exposure. VA adjudicated the claim and awarded service connection along with a small retroactive payment. Upon reviewing the decision with the veteran, the Veterans Resource Coordinator believed VA made an error in calculating the disability level. Importantly, she recognized that VA failed to adequately address the bladder cancer residuals

The VRC sought the advice of several of the West Region's experienced CSOs and TDVS's Appeals Division in confirming the error and determining the most advantageous method to

disagree with VA's decision. Ultimately, the VRC filed a supplemental claim arguing Clear and Unmistakable Error or CUE in the original decision.

The VRC's ability to recognize VA's mistake and draw on the wealth of advocacy knowledge across the state helped this veteran determine the best path forward and obtain a new decision within 30 days --- along with a retroactive payment of over \$528,000.

Counseling a veteran on how to disagree with a VA decision is complex. If you catch the mistake immediately, you might use the [Claim Accuracy Request](#) process. A veteran might disagree with one of Appeals Modernization Act's three options – supplemental claim; higher-level review; or appeal to BVA. TDVS's [Appeals Division](#) team is always available to help you weigh the pros and cons – such as the time it might take for a decision and likelihood of success -- of the various methods a veteran might use to disagree with a VA decision.

If you have an example of teamwork between Veteran service offices/organizations across the state 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