

TDVS Benefits Bulletin
22-4

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TDVS Updates

TDVS Training Updates

- [April Initial Accreditation Training](#), April 18th – April 22nd, 2022. **Please note this course has moved one week earlier.
- [May Lunch & Learn](#), May 11, 2022, 11:30 to 12:30 CST. VHA Homeless Programs in Tennessee
- [2022 Service Officer Training Calendar](#)

Accessing VA Systems (VBMS & SHARE) Through Desktop

TDVS facilitates access to several VA Systems, such as VBMS and SHARE, by supporting issuance of a VA Personal Identify Verification or PIV card. You access these tools through a desktop application available via Citrix. Several users have encountered issues accessing VA systems following either a PIV or computer replacement. Removing and reinstalling the Citrix application has been a successful fix. Here are [step-by-step](#) instructions for using your PIV to access VA Systems.

VA's Enterprise Service Desk (1-855-673-4357) is also a resource that can assist you in troubleshooting and gaining or restoring systems access.

VA and Veteran Benefit Updates

Regulatory Updates

- [Notice – Recommendations for Modernization or Realignment of Veterans Health Administration Facilities](#)

On March 14, 2022, VA published a [notice](#) in the Federal Register that served as the Secretary's recommendations to the Asset and Infrastructure Review (AIR) Commission. All of the recommendations are available to the public at [VA's website](#).

The VISN 9 recommendations impacting Tennessee can be found [here](#). TDVS's leadership have been briefed on the recommendations, so please direct questions through your regional TDVS leadership.

The VA MISSION Act of 2018 required VA to conduct an asset and infrastructure review to study current and future health care needs and to evaluate VA's health care infrastructure. VA conducted this review and recently published its report and recommendations in the Federal Register and submitted it to Congress and a presidentially appointed AIR Commission. The AIR Commission will conduct public hearings before submitting its own recommendations to the President for further review in 2023.

- [Interim Final Rule – Staff Sergeant Parker Gordon Fox Suicide Prevention Grant Program](#)

On March 10, 2022, VA published an [interim final rule](#) in the Federal Register to implement a three-year community -based grant program to award grants to eligible entities to provide or coordinate the provision of suicide prevention services to eligible individuals and their families for the purpose of reducing veteran suicide.

- [Notice – Increase in Maximum tuition and Fee Amounts Payable Under the Post-9/11 GI Bill](#)

On March 21, 2022, VA published a [notice](#) in the Federal Register that served to inform the public of the increase in the Post-9/11 GI Bill maximum tuition and fee amounts payable and the increase in the amount used to determine an individual's entitlement charge for reimbursement of a licensing, certification, or nation test for the 2022-2023 Academic Year.

[Veterans Rapid Retraining Assistance Program \(VRRAP\) - Take Advantage Before December 2022](#)

Benefits Bulletin [21-4](#) and [21-5](#) highlighted funding provided by *The American Rescue Plan* for VA to develop the Veteran Rapid Retraining Assistance Program. On May 3, 2021, VA launched the Veteran application for the [Veteran Rapid Retraining Assistance Program \(VRRAP\)](#). While participation is voluntary, this is a great opportunity to support Veterans seeking retraining and employment opportunities in response to the effect of the COVID-19 pandemic.

The VRRAP program will end December 11, 2022, and there is \$249 million in remaining funds. VA launched a public service advertisement campaign in February to generate awareness and encourage application and program use. To learn more about the program and for updates, go to [VA's website](#).

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

- Why am I getting a phone call or email after packaging a VA Form 10182?

To help with the growing Board of Veterans' Appeals (BVA) appeals backlog, the Appeals Division has begun a deeper dive into VA Form 10182 submissions before filing with BVA. Our goal is to identify ways to help with the growing backlog of appeals. This is one way we can do our part for the overall good of TN Veterans. When warranted, the Appeals Division is having a discussion with CSOs and VRCs before filing 10182s to present the strongest possible appeal.

- How can I stop VA's seemingly endless cycle of development? Let's talk about private medical evidence.

Advocacy Tip #1. *Try to avoid using the VA Form 21-4142 & VA Form 21-4142a. It will make the claim not fully developed or FDC and will lead to delays in claims processing. As of April 9, 2022, the average days to complete a FDC claim is 112 and standard claim is 136. Further, the private medical evidence might not support the claimed condition(s), so better to work with the claimant to obtain the private medical evidence and review before filing with VA.*

Here are some tips if use of VA Form 21-4142 & VA Form 21-4142a is unavoidable.

- These two forms are submitted together. Please note in VetraSpec at the bottom of the fillable form 21-4142 the large letters and link.

You must also fill out the [21-4142a](#).

- Choose one:
- Save this form and **complete it later**.
 - Save this form and **print it now**.
-

- VA Form 21-4142 is signed and gives VA permission to request documents from a private healthcare provider. VA Form 21-4142a gives VA the information needed to make the request(s). Submitting one without the other will cause VA to send a development letter to the Veteran/family member and could further delay the claims process.
- When submitting these two forms together, the claim with which they are accompanying cannot be processed as FDC. If sending the 21-4142 and 21-4142a, when completing the 21-526ez, choose the benefit type "Standard Claim Process". If FDC is selected and there are accompanying 21-4142/21-4142a, VA will send a development letter to the Veteran/family member explaining the claim cannot be processed as an FDC.

Advocacy Tip #2. Respond to VA development letters. For example, the Veteran receives medical care only at VA medical facilities and does not have private treatment records. VA still sent the Veteran a development letter asking for the VA Form 21-4142 and 21-4142a. How do I respond to the development letter?

VA does not need the 21-4142 and 4142A for VA medical facility records. In this example, let VA know the Veteran has no private treatment records to retrieve by sending VA Form 21-4138 stating there are no private treatment records. If there is no additional evidence, you could also include a 5103 Notice Response indicating all evidence has been provided.

RESPONSE

Select one of the following: (Whichever box you check, you have one year from the date of the notice to give VA any other information or evidence you think will support your claim.)

I have enclosed all the remaining information or evidence that will support my claim, or I have no other information or evidence to give VA to support my claim. Please decide my claim as soon as possible.

I will send more information or evidence to VA to support my claim. VA will wait the full 30 days from the date of the letter sent with this notice response before deciding my claim.

Browse... No file selected. 04 / 13 / 2022

Claimant/Representative Signature Date

Advocacy Tip #3. Let VA know if further attempts to obtain private medical evidence isn't necessary. Maybe existing evidence already of record will allow VA to grant the claim or it becomes clear that further attempts to obtain private treatment records will be futile.

For example, veteran files a claim that includes a VA Form 4142 & 4142a that identifies two private providers. The veteran thinks one provider may no longer practice but he did get some treatment there. VA attempts to obtain private medical evidence from both providers. It successfully obtains records from the first and receives no response from the second. The private medical evidence provided by the first provider supports the veterans claims. Given

the positive evidence and that the second provider may no longer be practicing, send a VA Form 21-4138 requesting VA stop attempts to obtain the remaining private medical evidence and to please decide the claim as soon as possible.

- What's new in the March 2022 VA Form 10182 (Decision Review Request: Board Appeal (Notice of Disagreement))?

In March, VA updated the VA Form 10182 that is available in VetraSpec. Here are several **Advocacy Tips** to help you complete this form:

- Representative Contact Information – Please complete block 9. with *TDVS*; TDVA.VBANAS@VA.GOV to help ensure TDVS's Appeals Division is notified of the appeal and/or hearing.
- Virtual Hearing Option – This form version allows appellants to elect a virtual teleconference or hearing in Block 10C.
- VHA (Caregiver) Appeal – This form version includes an option to indicate you are appealing a Veterans Health Administration decision in Block 11.

VA U.S. Department of Veterans Affairs		DECISION REVIEW REQUEST: BOARD APPEAL (NOTICE OF DISAGREEMENT)	
PART I - PERSONAL INFORMATION			
1. VETERAN'S NAME (First, middle initial, last)		2. VETERAN'S FILE NUMBER	3. VETERAN'S DATE OF BIRTH
4. IF I AM NOT THE VETERAN, MY NAME IS (First, middle initial, last)		5. MY DATE OF BIRTH (If I am not the Veteran)	
6. MY PREFERRED MAILING ADDRESS (Number and street or rural route, P.O. Box, City, State, ZIP Code and Country)			<input type="checkbox"/> I AM EXPERIENCING HOMELESSNESS
7. MY PREFERRED TELEPHONE NUMBER (Includes Area Code)	8. MY PREFERRED E-MAIL ADDRESS	9. MY REPRESENTATIVE'S NAME TDVS; TDVA.VBANAS@VA.GOV	
PART II - BOARD REVIEW OPTION (Check only one)			
10. A Veterans Law Judge will consider your appeal in the order in which it is received, depending on which of the following review options you select. (For additional explanation of your options, please see the attached information and instructions.)			
<input type="checkbox"/> 10A. Direct Review by a Veterans Law Judge: I do not want a Board hearing, and will not submit any additional evidence in support of my appeal. (Choosing this option often results in the Board issuing its decision most quickly.)			
<input type="checkbox"/> 10B. Evidence Submission Reviewed by a Veterans Law Judge: I have additional evidence in support of my appeal that I will submit to the Board with my VA Form 10182 or within the 90 days of the Board's receipt of my VA Form 10182. (Choosing this option will extend the time it takes for the Board to decide your appeal.)			
<input type="checkbox"/> 10C. Hearing with a Veterans Law Judge: I want a Board hearing and the opportunity to submit additional evidence in support of my appeal that I will provide within 90 days after my hearing. I want the hearing type below (Choosing this option will extend the time it takes for the Board to decide your appeal.)			
<input type="checkbox"/> Central Office Hearing (I will attend in person in Washington, DC)			
<input type="checkbox"/> Videoconference hearing (I will go to a Regional Office)			
<input type="checkbox"/> Virtual Telehearing (I will attend using an internet-connected device) (Important: Provide your e-mail address and Representative in Part I)			
PART III - SPECIFIC ISSUE(S) TO BE APPEALED TO A VETERANS LAW JUDGE AT THE BOARD			
11. Please list each issue decided by VA that you would like to appeal. Please refer to your decision notice(s) for a list of adjudicated issues. For each issue, please identify the date of VA's decision and the area of disagreement (e.g., service connection, disability evaluation, or effective date of award).			
<input type="checkbox"/> Check here if you are including a request for an extension of time to file the VA Form 10182 due to good cause and then attach additional sheets explaining why you believe there is good cause for the extension.			
<input type="checkbox"/> Check here if you are appealing a denial of benefits by the Veterans Health Administration (VHA)			
A. Specific Issue(s)			B. Date of Decision

VA Caregiver Reassessment Pause

On March 22nd, VA announced it was pausing reassessments under the Program of Comprehensive Assistance for Family Caregivers. This topic was covered at length at Quarterly Regional Training. Here's NVLSP's [slide deck](#).

VetraSpec has added the VA Form 10-307 (Program of Comprehensive Assistance for Family Caregivers Notice of Disagreement) noted during last week's Caregiver training and working to add the VA Form 10-306 (Request for Information About Program of Comprehensive Assistance for Family Caregivers (PCAFC) Decisions).

Advocate Spotlight

How TDVS's Appeals Division Can Support Your Advocacy – Identifying and Obtaining the Evidence Necessary to Win a Claim

On March 24th, a surviving spouse was awarded Dependency and Indemnity Compensation or DIC along with a retroactive award of nearly \$152,000.

This surviving spouse first applied for DIC in 2012 following the death of her husband who was service connected for coronary artery disease (CAD) and died of esophageal carcinoma. VA denied survivor benefits in 2012, and she timely appealed the denial of benefits in 2013.

The surviving spouse was represented by the Fleet Reserve Association during much of her appeal. However, she received notice of a scheduled hearing in 2021 and reached out to the Smith County CSO who contacted the Appeals Division for assistance. The CSO completed a VA Form 21-22 to change POA to TDVS. The Appeals Division contacted BVA and briefly postponed the hearing to adequately prepare, gather evidence and arrange a virtual hearing, which was held from the Smith County Veterans Service Office.

The Appeals Division worked with the surviving spouse and CSO to gather additional medical evidence and argued that CAD was a contributory cause in the veteran's death, even though it wasn't listed as the primary cause of death on the death certificate. The BVA Judge agreed and the surviving spouse was finally awarded DIC in March, with an effective date of January 2012.

A recent brief to the United States Supreme Court has characterized the VA benefits system as "...complicated, slow and inaccurate." That clearly seems to be the case here, however, one of the most important factors in effective VA advocacy is identifying and obtaining the evidence needed to win the claim. In this example, the additional evidence appears to have

been the spouse's oral testimony about the impact of cancer treatment on her husband's service-connected CAD.

As discussed in the last Benefits Bulletin, 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 the 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. Perhaps most importantly, TDVS's Appeals Division stands ready to support you in determining the evidence needed to prevail on the claim and offer recommendations on how to obtain and submit that evidence to VA.

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