

TDVS Benefits Bulletin

23-3

TDVS Updates

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Practice Like a Pro

Advocate Spotlight

This month's bulletin is 1,305 words and will take just over 5 minutes of your time.

1 big thing: TDVS and County partnership recognized with VA Pillars of Excellence Award.

Check out [Commissioner Baker's message](#) here.

Here's more background: Tennessee has been honored with the prestigious Abraham Lincoln Pillars of Excellence Award! This VA and National Association of State Directors of Veterans Affairs award recognizes state programs demonstrating outstanding service and support to our nation's veterans and their families.

Tennessee was recognized for providing customer focused virtual hearing options through partnership with County Veteran Service Offices across the State.

How can I help: Please contact Tammy Raymond at tammy.raymond@tn.gov from the Appeals Division Team if you're interested in learning more about how to support virtual BVA hearings in your County.

Thank you for the partnership!

TDVS Updates

Training Updates

What's next:

- April Regional Quarterly Training (Mandatory Training)
- New Service Officer Accreditation Course, April 24 - 28
- May Lunch and Learn, May 10th, 11:30 to 12:30 p.m. CST
 - TN State Parks and TN Dept. of Transportation Veteran Programs
- June Lunch and Learn, June 14th, 11:30 to 12:30 p.m. CST
- July Quarterly Training

- New Service Officer Accreditation Course, July 24 – 28
- [2023 Training Schedule](#)

PACT Act Toolbox – Updates

TDVS has created a [PACT Act Toolbox](#) to help you serve Tennessee Veterans and their families. It's an advocate's one-stop shop for all things PACT Act –

- VA Fact Sheets
- VA Web Resources
- TDVS Fact Sheet
- TDVS FAQs
- Bill Text, Summaries, and More
- Training Resources

What's new:

- **Learning Opportunity** – [Multimedia Resources](#) on TDVS's PACT Act Toolbox – Recording, Presentation and Fact Sheet on “Airborne Hazards and Burn Pits: What you need to know”.
- [VA PACT Act Performance Dashboard](#) – VBA has begun releasing bi-weekly data dumps to measure the PACT Act's impact on Veteran and Survivors.

One big thing: It includes state specific data so you can measure the impact you're having on connecting Tennessee Veterans and their families to the care and benefits they've earned.

- [Final Rule](#) – VA is issuing this final rule to amend its adjudication regulations to add more presumptive exposure locations for radiation, as legislated in the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (the PACT Act).

Don't forget: In addition to creating a presumption of service connection for certain diseases associated with exposure to burn pits and other toxins for Gulf War era and post 9/11 Veterans, the PACT Act:

- Added to the list of radiation exposed Veterans;
- Added more Agent Orange presumptive exposure locations;
- Added to the list of diseases associated with exposure to Agent Orange.



Here is VA's [Presumptive Disability Benefits Fact Sheet](#) that lists Veterans that may qualify for presumptive disability benefits including those added by the PACT Act.

VA and Veteran Benefit Updates

Disability Claim Decision Letters Available on VA.gov

VA.gov [adds disability benefit decision letters](#) as another resource available to Veterans via VA.gov.

How to: Veterans can log in to VA.gov and check the [status of their claim](#) to access their decision letter.

What's next: TDVS is preparing a block of instruction to allow you to support your client's as they take advantage of a variety of VA's online tools.

VA Increases Maximum Life Insurance Coverage for Veterans & Service Members by \$100,000

On March 1st, VA increased the maximum amount of life insurance coverage available to Veterans and service members from \$400,000 to \$500,000 for Veterans' Group Life Insurance (VGLI) and Servicemembers Group Life Insurance (SGLI).

Automobile Grant Legislation

The [Veterans Auto and Education Improvement Act of 2022](#) became law on January 5, 2023.

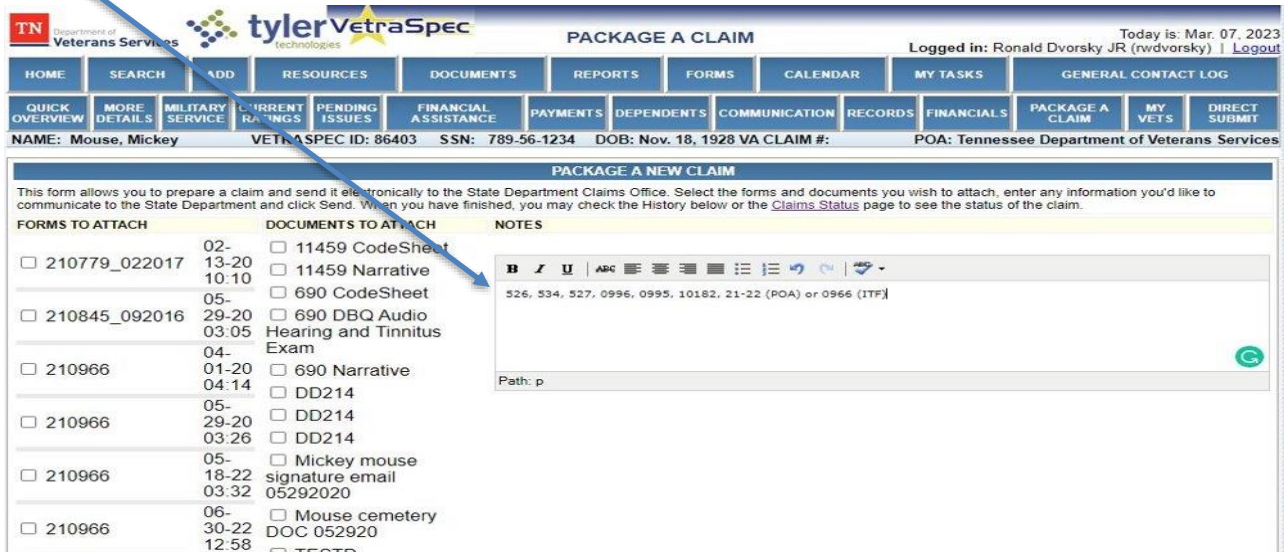
Why it matters: The law allows VA to provide eligible Veterans with more than one automobile grant to purchase a modified vehicle. Veterans can take advantage of the subsequent grant if it's been at least 30 years since the first use of the grant or beginning on January 5, 2023, if more than 10 years have passed since the last use of the grant.

Practice Like a Pro

Support Timely Quality Review and Filing

Help TDVS speed quality review and filing by tagging claim forms and disagreements in Package-A-Claim notes.

Simply include the form number – 526, 534, 527, 0996, 0995 or 10182 -- as appropriate as a note.



Medical Evidence and the Disability Claims Process

As highlighted in January, developing medical evidence to support a claim is a key advocacy skill. Service-connected disability compensation requires three requirements –

- Competent evidence of a current disability.
- Medical or lay evidence of an in-service incurrence or aggravation of disease or injury.
- Link or nexus between in-service occurrence or aggravation and current disability.

Let's focus on medical or lay evidence of an in-service incurrence or aggravation of disease or injury.

Why it matters: The Veteran must show something happened in service. There are two key rules that may apply when trying to prove in-service incurrence or aggravation of a disease or injury.

- **Presumption of Soundness** – Generally, VA must presume that a Veteran entered military service in sound condition unless note at entrance or where clear and unmistakable evidence demonstrates the injury or disease existed before entrance. This rule helps the Veteran prove something happened in service and limits VA's ability to deny a claim because the Veteran had a injury or disease before entering military service.

- **Special Rules for Combat Veterans** – this rule reduces the evidentiary burden for combat Veterans when proving in-service occurrence. Generally, VA must accept a Veteran's statement that he suffered a disease, injury, or stressor event during combat even if there are no records that support the statement.

What's next: Next month's practice like a pro segment will continue to discuss the topic of developing medical evidence to support a claim. We'll build upon this discussion with –

- Look at January 2023 Quarterly Training – NVLSP's Battle of the [Medical Experts Presentation](#)
- More About Private Medical Opinions – Here's a preview of [NVLSP's sample letter](#) to a medical professional requesting a medical opinion.
- More Advocacy Tips
- Hands On Practical Exercises

Contact your Regional Director or the Appeals & Accreditation Division [Training Team](#) for Small Group Training.

Advocate Spotlight

Recently, **the Marshall County Veterans Service Office**, with a referral from Rutherford County, helped an incarcerated Veteran in reestablishing VA benefit eligibility.

Here are the relevant facts:

- October 2019 – Veteran convicted of a felony.
- June 2020 – VA reduced Compensation to the 10% rate the day after Veteran's 61st day of incarceration following conviction of a felony.
- September 2022 – CVSO filed a Supplemental Claim, which was denied. The filing included a judgement of the Court of Criminal Appeals of Tennessee indicating conviction of the trial court was reversed (overturning felony conviction) and the case was remanded to Circuit Court for Marshall County for a new trial.
- October 2022 – CVSO filed a Higher-Level Review. In February, VA not only reinstated earned benefits but also paid nearly \$120,000 in a retroactive award of withheld benefits.

A great example of how a close reading of the law (38 C.F.R. 3.665(m) Conviction overturned on appeal) and working the Appeals Modernization Act's [options for disagreement](#) resulted in a positive outcome without the need to appeal to the Board of Veterans' Appeals.

Well done!

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

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