

## TDVS Benefits Bulletin 24-12

*This month's bulletin is 2,033 words and will take just over 8 minutes of your time.*

### 1 BIG THING: VA's benefit intake delays appear to be getting worse.

**Catch up quickly:** Benefits Bulletin 24-11 and 24-10 and TDVS Fact Sheet: Claim Intake Delays included information on VA's benefit intake delays. VA is taking longer than normal to process forms and claims, which means you can't see them in VBMS. Unfortunately, it appears these delays are getting worse.

**Here's the key:** The Veteran or claimant's **date of claim is protected** if you see a direct submit success message including the GUID # from the direct submit package screen.

10-04-2024 **Direct Submit on:** 2024-10-04 16:06:30

**GUID:** 64cf4aaa-743e-458c-8126-de18bfd7c951

**Status as of: 2024-11-06 21:00:21 RECEIVED or PROCESSING or  
SUCCESS**

☐ Do –

**Ensure you see a direct submit success message** including the GUID #. This protects date of claim.

**Maximize the use of Benefits Claims** for filing POA and ITF.

- Attempt to correct errors identified during filing to maximize the use of Benefits Claims, which immediately establishes POA and ITFs.
- Utilize the self-help option noted in the VetraSpec banner or **TDVS Fact Sheet: Claim Intake Delays** for filings pending longer than 40 days or emergent needs.

**Get creative to work around delays** in accessing records or establishing ITFs.

- Utilize three way calls to 1-800-827-1000 and have Veteran or claimant provide permission to speak to you - his or her VA accredited representative.
- Utilize 1-800-827-1000 to have VA fax copies of relevant documents, so you can assist the Veteran or claimant.
- Utilize 1-800-827-1000 to establish ITFs.

☐ Do Not –

**Do not repackage or refile forms or documents** if there is a successful (*Received, Processing, Success*) Direct Submit Response status.

- Do not refile using the same (Direct Submit) or another filing method (Quick Submit, Fax). These all direct to the same mail intake portal and contribute to increased workload and resulting delays.
- Do not Package-This-Claim the forms or documents if there is a successful (*Received, Processing, Success*) Direct Submit Response status.

**I need more:**

- **TDVS Fact Sheet: Claim Intake Delays (112024)**
  - Correspondence from VetraSpec – **Benefits Intake Delays** – Includes Tips to Avoid Delays
  - **Installing and Accessing VA Systems for Tennessee Accredited Advocates**
  - **VSO Mail Call Briefing (11182024)** - Slide deck discussing VA mail intake and automation. Slide 5 contains additional tips to help reduce delays.
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## TDVS Updates

### ☐ TDVS' Knowledge Library

#### ☐ Added VA Benefits and Services Participants Guide-Active Duty (April 2024) – *VSO Tools - Publications*

Added Benefits Bulletin 24-11 – *VSO Tools – TDVS Benefits Bulletin*

Added 12.01.2024 Tennessee CSO Contact Roster – *VSO Tools – Organizations*

#### Added TDVS Appeals & Accreditation Points of Contact November 2024 – *VSO Tools – Organizations*

Added 2025 Special Monthly Compensation (SMC) Rates and Job Aid 12.4.2024 – *VSO Tools – Job Aids*

Added 2025 VA Disability and Improved Pension Rates (MAPR) 12.2.2024 – *VSO Tools – Job Aids*

Added Three Updated Pension Job Aids for 2025 – *VSO Tools – Job Aids*

- 2025 VA Survivor and Pension Workbook – 12.02.2024
- 2025 Survivor's Pension Worksheet – 12.02.2024
- 2025 VA Pension Worksheet – 12.02.2024

### ☐ Training Updates

**What's next:** Here's the training schedule for the next several months:

- December Lunch & Learn – Wednesday, December 11, 2024 – Steven A. Cohen Military Family Clinic at Centerstone - Clarksville
- January Mandatory Quarterly Accreditation Training – NVLSP Webinar
- February Lunch & Learn – Wednesday, February 12, 2025, 11:30 – 12:30 CST – Complex Claim Assistance – Discharge Upgrades
- March Lunch & Learn – Wednesday, 12, 2025, 11:30 – 12:30 CST - TBD
- **2025 Training Schedule**

*We value your input! To ensure future training offerings are relevant, impactful, and meet your advocacy needs, we want to hear from you. Please take a moment to **share your ideas** for training topics or subjects you'd like to see included in upcoming training sessions.*

### Learning Opportunity - TODAY

**Please join DoD in the next installment of their monthly webinar series:** The PACT Act and Extended VA Healthcare Access.

Please join DoD to learn about updates associated with the PACT Act such as VA extended healthcare access to all the applicable veterans, as well what's next as the VA continues to review conditions to potentially be added to the presumptive list. DoD and VA officials will discuss the importance of the legislation and the Administration's commitment to veterans. The webinar will feature briefers from the Department of Defense and The Department of Veterans Affairs. Please **RSVP today**.

- **WHAT:** DoD Webinar, The PACT Act and Extended VA health Care Access.
  - **WHEN:** Wednesday, December 11, 4:00 pm ET
  - **WHERE:** Webinar Registration Link
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## VA and Veteran Benefit Updates

### ☐ Prepare for VA's Secure Sign-in Changes

In 2025, Veterans will need to start using a Login.gov or ID.me account to sign in to their My HealtheVet portal.

**Catch up quickly:** In 2025, Veterans will have 2 secure sign-in account options (Login.gov and ID.me) for all VA websites and apps. VA will remove the My HealtheVet option after January 31, 2025, and the DS Logon option after September 30, 2025. Veterans will still be able to use their My HealtheVet health portal—they'll just need to sign in to it with a Login.gov or ID.me account.

I need more:

- [Learn How to Create an Account](#)
- [Prepare for VA's Secure Sign-In Changes](#)

### Assessment of Exposures and Conditions of Interest for Veterans Who Served at Karshi-Khanabad Air Base

VA has published a notice in the Federal Register announcing its plans to conduct an assessment of scientific literature and historical claims data to determine whether there is an association between military environmental exposure to toxic substances related to military serve at Camp Stronghold Freedom in Karshi-Khanabad (K2) in Uzbekistan from 2001 to 2005 and medical conditions.

**Why it matters:** VA is using the accelerated PACT Act presumptive process to determine if it should recognize any unique presumptions related to service at K2. For this PACT Act presumptive process, VA will consider the totality of the contaminants of concern present at K2, by not only looking at the potential health effects of each of the contaminants present but also by considering the potential combined effects of them on Veterans' health.

Here's more:

- [Final Rule](#)
- [Federal Register](#)
- [VA Press Release](#)
- [VA's K2 Website](#)

### Final Rule – Extending Deadline for Debtor to Request a Waiver

VA has published a final rule in the Federal Register to change the time period that a debtor has to request a waiver from 180 days to one year.

**Why it matters:** This action is necessary because the *Cleland Dole Act*, which was signed into law December of 2022, gives a debtor up to one year to request a waiver. This rule would go into effect December 2024 in accordance with section 254 of the *Cleland Dole Act*.

Here's more:

- **Final Rule**
- **Federal Register**

□ **Don't forget:** VA's Debt Management Center presented at TDVS's 2024 Annual Training Conference. You can view the **slides** and **presentation** from the Conference website.

### Proposed Rule – Schedule for Rating Disabilities: Neurological Conditions and Convulsive Disorders

VA has published a proposed rule in the **Federal Register** to amend the portion of the VA Schedule for Rating Disabilities (VASRD or Rating Schedule) that addresses neurological conditions and convulsive disorders.

**Why it matters:** These regulatory updates are important because 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.

**Here's more:**

- **Proposed Rule**
- **Federal Register**

**Don't forget:** VA has been in a multi-year process of updating all 15 body systems of the VASRD to reflect modern medicine more accurately. 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.

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## Practice Like a Pro

### What Is Evidence?

**All VA disability claims have one thing in common.** They require evidence to establish the requirements needed to win a claim.

**Why it matters:** Effective advocates must be able to determine the evidence needed to win a claim and assist Veterans in both obtaining and presenting that evidence to VA.

□ **Zoom in:** Evidence comes in a variety of forms. It can be military separation papers, separation health assessments, VA disability benefits questionnaires, medical records from private providers, or buddy statements. New and relevant evidence can also include new laws or precedential court decisions.

Sometimes an advocate must be creative in identifying evidence to support a claim. Here are some excellent examples from across Tennessee –

- Recently, a VSO provided copies of a Veteran's social media posts where she shared challenges with headaches to demonstrate the chronicity and severity of her disability over a 10+ year span.
- Tennessee advocates have used historical newspaper weather reports to support in service exposure to extreme temperatures and the resulting disabilities.
- An Appeals Advocate successfully used pictures of a Veteran's tattoos, which included reference to his duty stations, to support service in Vietnam.

These are just a few examples of how Tennessee's advocates have been creative in identifying, obtaining, and presenting the evidence needed to win a claim.

I need more:

- TDVS 2024 Annual Training Conference (Day 2): **Duty to Assist and Locating Records**
  - **TDVS Benefits Bulletin 22-7** – Advocacy Tips: Obtaining Military Records and Information to Help Substantiate a Claim
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## □ Advocacy Spotlight

### Advocate's Attention to Detail and Skillful Use of AMA Pays Off

A VSO's attention to detail and skillful use of the AMA paid off and resulted in a Veteran receiving over \$104,000 in retroactive benefits.

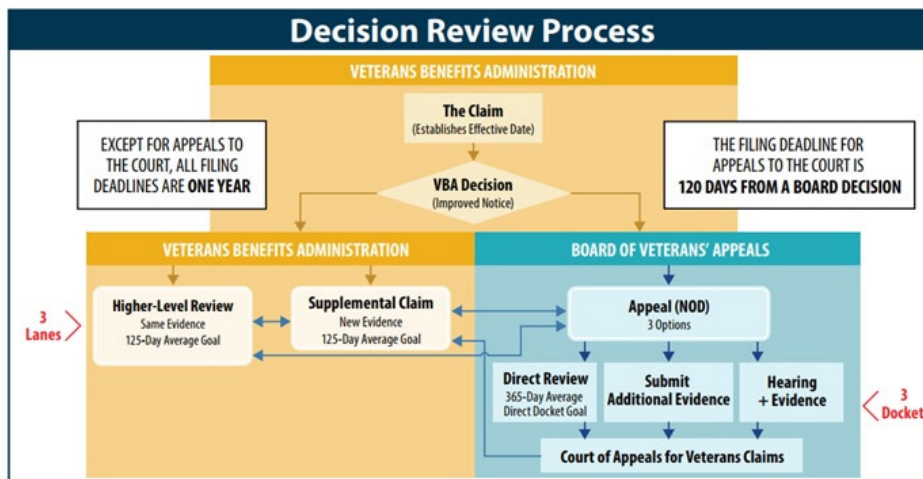
**Background:** In 2016, The Veteran filed a claim for PTSD with a stressor of sexual trauma (MST) experienced in the military. Although his initial claim was denied, it was reviewed as part of VA's special review of claims for PTSD based on MST. This claim was granted with an effective date of April 2023 when VA alleged a VA C&P examination first showed a diagnosis of PTSD.

□ **Dig deeper:** Upon review of the decision, a TDVS VSO noticed evidence in the Veteran's medical record of a PTSD diagnosis in July of 2010. The VSO counseled the Veteran on how to disagree with VA's decision and helped him file a supplemental claim, which included a brief argument in support of an earlier effective date and evidence (VA medical records) of the 2010 PTSD diagnosis. VA agreed and assigned an earlier effective date that resulted in over \$104,000 in retroactive benefits.

**Why it matters:** No need to get creative in identifying evidence in this case, but reviewing a file and 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.

I need more:

- TDVS's **Appeals & Accreditation Division team** is 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.
- TDVS 2024 Annual Training Conference (Day 1): **Navigating the VA's Modernized / AMA Review System**
- **TDVS May 2024 Lunch and Learn: BVA Appeals – Evidence Informed Advocacy**
- BVA's Office of Administrative Review or OAR has provided several tools including **AMA and Decision Review Options Communications Toolkit** as part of its Appeals Modernization Act or AMA education campaign to promote greater understanding of the decision review options available under the AMA.
- VA's Appeals Modernization Fact Sheet is a good visual tool to help clients understand the options for disagreeing with a VA decision.



*Are you a Veteran in crisis or concerned about one? You're not alone - the **Veterans Crisis Line** is here for you. You don't have to be enrolled in VA benefits or health care to call.*

*Do you have an advocacy success story or something you'd like to see included in an upcoming bulletin? If so, **share**.*

*Past TDVS Benefits Bulletins Can Be Found on the **VSO Tools** Portion of TDVS's Knowledge Library*



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