

TDVS Benefits Bulletin
24-2

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This month's bulletin is 1,213 words and will take 4 ½ minutes of your time.

**1 big thing: Filing Deadline February 22, 2024, for
Reimbursement for Post-2010 Emergency Medical Expenses**

Veterans enrolled in VA Health Care can apply for **VA reimbursement of their emergency medical expenses at non-VA facilities** for emergencies that occurred at any time during the last 14 years (that is, after Feb. 1, 2010). This right to a new reimbursement decision applies even if the veteran was previously denied reimbursement or never applied for reimbursement in the past.

Background: VA created a one-year open period because of the U.S. Court of Appeals for the Federal Circuit decision in *Kimmel v. Secretary of Veterans Affairs* that invalidated part of VA's reimbursement regulation.

Dig Deeper:

- [NVLSP Alert](#)
- [Order in *Kimmel v. Secretary of Veterans Affairs*](#)

Need help: NVLSP may be able to advise you on what to do about it. Contact NVLSP at reimbursement.help@nvlsp.org with the date of the VA denial letter, and, if possible, a copy of the denial letter.

Please help TDVS understand the scope of this issue in Tennessee by tagging these requests in VetraSpec. Simply select the "Other" communication radio button and insert "*Complex Claim – Emergency Reimbursement – Referred to NVLSP*".

NEW COMMUNICATION

TYPE:

- Office Visit
- VA communication
- CVSO communication
- Phone
- Incoming Mail
- Health Care Application Electronically Submitted
- E-mail
- Outgoing mail
- Home visit
- FAX
- Outreach
- 100% P&T and Chapter 35
- Claim Electronically Submitted
- Burial Pre-Registration Completed
- Local Hearing
- Board Hearing
- Statement of Accredited Representative
- Other

DATE: 02 / 11 / 2024 **TIME:** 08 : 50 AM

B **I** **U** ABC [List Icons]

Complex Claim - Emergency Reimbursement - Referred to NVLSP

Path: p

TDVS Updates

VSO Listening Session - Updates from VA Forms Listening Session

Thank you for your feedback! TDVS participated, shared your comments and major issues with VA forms including –

- Frustration that VA isn't following its own guidance when it comes to accepting outdated forms.
 - Erroneous AMA Development Letters When the Claim Was Filed on the Proper Form.
 - Failure to Follow Exceptions Outlined in M21-1 Regarding Acceptance of Outdated Forms.
- Lack of a Form to Initiate Clear and Unmistakable Errors.

What we're watching:

- Voided Checks - VSOs expressed frustration with VA requiring a voided check because of instructions on the most recent version of the 21-526EZ when this isn't required by VA adjudication procedures or regulation.

- Simplification of Survivor Forms - VSOs discussed the need to simplify forms related to survivor benefits. Often, these are elderly claimants who are working through a complex period of mourning following the death of a loved one.
- Veteran / Customer Focus – VSOs questioned why VA can’t accept supplemental claims on more forms and adjudicate instead of sending requests for applications over and over.

Zoom out: Last month’s Benefits Bulletin flagged the need for your feedback to inform discussion at a VBA Office of Policy and Oversight VSO listening session to discuss VA Forms and proposed improvements. Thanks for the engagement and feedback!

TDVS’ Knowledge Library

- Added [January 2024 Accreditation Course Smart Book](#) in VSO Tools – Publications
- Added [Slides NVLSP Live Webinar: Effective Communication with Veterans to Build Better VA Claims](#) in Training Resources – Quarterly Training - 2024

Training Updates

What’s next: Here’s the training schedule for the next few months:

- February - Lunch & Learn, Wednesday, February 14th, 11:30 a.m. to 12:30 p.m. CST – TN Commission on Aging and Disability Programs
- March – Lunch & Learn, Wednesday, March 13th, 11:30 a.m. to 12:30 p.m. CST
- April – Mandatory Quarterly Regional Accreditation Training(s)
 - **Region 1-** Tuesday, April 2nd 9 a.m. – 12 p.m. CST (*Conference Room 1, Lowell Thomas State Office Building, 225 Dr. Martin Luther King Jr. Drive, Jackson, TN 38301*)
 - **Region 2** – Wednesday, April 10th 9 a.m. – 12 p.m. CST (*Veterans Hall, 308 West 7th Street, Columbia, TN 38041*)
 - **Region 3** – Tuesday, April 16th 9 a.m. – 12 p.m. CST (*Veterans Memorial Building, 90 East Spring Street, Cookeville, TN 35501*)
 - **Region 4** – Tuesday, April 30th 9 a.m. – 12 p.m. EST (*Conference Room A, American Job Center, 2700 Middlebrook Pike, Knoxville, TN 37921*)
 - *****VSO/CSO Claims Filing Clinics** – Availability from 1 p.m. – 3 p.m. following each regional accreditation training.
- April – TDVS Initial Accreditation Training, Monday April 22nd – Friday April 26th
- May – Lunch & Learn, Wednesday, May 8, 11:30 a.m. to 12:30 p.m. CST
- [2024 Training Schedule](#)

VA and Veteran Benefit Updates

Proposed Rule – Adjudication Regulations for Disability or Death Benefit Claims Related to Exposure to Certain Herbicide Agents

VA has published a [proposed rule](#) in the Federal Register to amend its adjudication regulations for disability or death benefit claims related to exposure to certain herbicide agents.

Why it matters: This proposed rule will incorporate the provision of the Blue Water Navy Vietnam Veterans Act of 2019, Fiscal Year 2021 National Defense Authorization Act, and PACT Act, which generally expanded eligibility for VA benefits based on exposure to certain herbicide agents.

Here's more:

- [Proposed Rule](#)
- [Federal Register](#)

Proposed Rule - Outer Burial Receptacles

VA has published a [proposed rule](#) in the Federal Register to implement expanded statutory authority to provide outer burial receptacles for graves in cemeteries that are the subject of a grant to a State – such as [Tennessee's State Veterans Cemeteries](#).

Why it matters: This proposed rule will allow VA to pay monetary allowance for burials in VA grant-funded Veterans cemeteries when a privately purchased outer burial receptacle was used or when an outer burial receptacle is placed at the time of interment, at the cost of the State or Tribal Organization.

Here's more:

- The [plain language document](#) explaining this regulatory change.
- [Proposed Rule](#)
- [Federal Register](#)

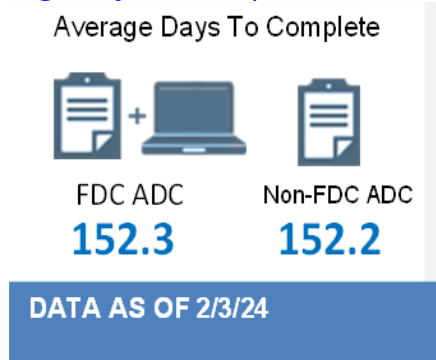
Don't forget: Contact information for each of Tennessee's State Veterans Cemeteries along with the convenient on-line pre-registration process can be found at [TDVS's web site](#).

Practice Like a Pro

When Will I Get a Decision on My Claim or Appeal?

When will I get a decision on my claim or appeal? This is one of the most common questions asked of advocates. There’s no one right answer because each claim or appeal is unique, but here are several publicly available data points to help counsel your clients:

- Fully Developed Claim - [Average Days to Complete](#)



- Higher Level Review – Average Days Pending - VA’s [Monday Morning Workload Report](#) – Download Most Recent Report & Navigate to Traditional Aggregate (TA) Tab

DROC Decision Review Workload (AMA)		
	Claims Pending	Average Days Pending
EP 030 - Higher-Level Reviews (HLR)	63,036	65.2
HLR - Compensation	61,500	64.1
HLR - Pension	1,536	107.5
EP 040 - Higher-Level Review Returns (HLRR)	55,245	158.0
HLRR - Compensation	54,652	157.9
HLRR - Pension	593	170.4

- BVA Appeals – Average Days to Complete - BVA [Quarterly Reports](#)

AMA average days to complete (FY23)

Quarter	Direct	Evidence	Hearing
1st	353	393	670
2nd	319	390	707
3rd	312	403	847

Quarter	AMA average days to complete (FY23)		
	Direct	Evidence	Hearing
4th	314	695	927
Timeliness Goal	365	550	730

Here's more to help clients understand [why BVA appeals take so long and what the Board is doing about it](#).

Advocate Spotlight

Please join us in welcoming Tennessee's newest accredited representatives:

Paul Caldwell, Johnson County
 Erica Degni, Dekalb County
 Gregory Freeman, Wilson County
 John Houston Sr., Nashville Field Office
 Joseph Lentner, Nashville Field Office
 Jerry Manley, Union County
 Zoiey Maynard, Wilson County
 Roy Miller, Houston County
 Ashley Williams, Shelby County

Congratulations on your recent completion of TDVS's Accreditation Course and TDVS accreditation!

Do you have an advocacy success story or something you'd like to see included in an upcoming bulletin? If so, [share](#) for a future bulletin.

TDVS Benefits Bulletins Can Be Found on the [VSO Tools](#) Portion of TDVS's Website

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