(2) Trainee Handouts

TRAINING FOR VSO LESSON TWO THE STRUCTURE OF THE DEPARTMENT OF VETERANS AFFAIRS

PREREQUISITE TRAINING	Prior to this training you should have completed the lesson on the relationship between the VA and Service Officers.
PURPOSE OF LESSON	The purpose of this lesson is to present material so that at the completion of the lesson you will be able to: ▪ Identify the structure of the VA and what each administration does. ▪ Communicate with your local Regional Office. ▪ Understand how a claim progresses through the decision-making process.
TIME REQUIRED	1 hour
INSTRUCTIONAL METHOD	Participatory discussion and practical exercise
MATERIALS/ TRAINING AIDS	Classroom or private area where a discussion may be held. Chairs and writing surfaces are required. Large writing surface such as—easel pad, chalkboard, dry erase board, overhead projector, etc., with appropriate markers, or computer with projection equipment and PowerPoint software. ▪ Note pad, and pen or pencil

THE DEPARTMENT OF VETERANS AFFAIRS

THE VETERANS HEALTH ADMINISTRATION

As the name implies, this part of the VA handles all health care for veterans. They are responsible for the Medical Centers, Outpatient Clinics, Community Based Outpatient Clinics and the Vet Centers. They provide care, medications and prosthetic devices as needed. They are responsible for setting the veteran's health care priority and eligibility based on information provided by VBA. They have access to the data base in SHARE and use it to establish eligibility.

THE NATIONAL CEMETERY ADMINISTRATION

This Administration operates the National Cemetery System. They are responsible for the establishment and construction of new cemeteries and the care and maintenance of existing cemeteries. They provide the flags for burials of veterans and issue the Presidential Memorial Certificates.

THE VETERANS BENEFITS ADMINISTRATION

The Veterans Benefits Administration (VBA) is responsible for the payment of all VA gratuitous benefits. They handle claims for compensation, pension, education, including vocational rehabilitation, burials, home loans, life insurance and just about any other monetary benefit that comes from the VA. The VBA field operations are located in regional offices (RO) where all benefits claims are handled. Each state has at least one RO (except Wyoming), plus offices in San Juan, Washington DC and Manila. Each RO varies greatly in size depending on the population served.

Each RO is guided by a Director. The functions are then split among the Divisions. As the names would imply, the Loan Guaranty Division and the Vocational Rehabilitation and Employment Division handle claims in those respective areas. Note that some Loan Guaranty functions are centralized and not every RO has all functions in their office, but they can handle your inquiries regardless of where the particular activity is located.

The largest division in each RO will be the Veterans Service Center. This division handles all compensation and pension claims from receipt to the decision. Original pension claims are decided in the RO, and then if benefits are granted, move to one of three Pension Maintenance Centers (PMCs) located at Milwaukee, St. Paul and Philadelphia RO's. Education claims are handled in Regional Processing Offices in four locations around the country. Every RO has the capability of handling public contact for their area, both for walk-in clients and telephone calls. Some phone calls can be redirected from offices that do not have the capacity to handle all their calls to offices that can. This transfer is transparent to the caller, and the person who answers the call will have access to the same information regardless of where they are located. The Pension Maintenance Centers, Education Regional Processing Offices, Insurance Center and Debt Collection Center have their own inquiry phone numbers.

In most instances, the RO will handle all claims for the state in which they are located. For example, all the veterans who live in Kansas will have their claims worked at the RO in Wichita. For those states with more than one office, responsibilities for different parts of the state are divided among the offices by geographical boundaries. In some situations work can be moved from one office to another, but all inquiries will be handled in the veteran's home area.

All claims taken should be sent to the RO having jurisdiction for the area of the veteran's home address. If the veteran's file is still in another RO, the new RO will request transfer of the file to their office. Likewise, if the veteran's file has been retired, the new RO will bring it in. Once a claim has been filed, direct all correspondence and phone calls to the RO where the claim was sent.

Your service organization usually has an office co-located in the RO. Most organizations prefer that your inquiries come to the office in the RO rather than to the RO personnel, but follow your organization's policies on inquiries on pending claims.

THE BOARD OF VETERANS APPEALS (BVA):

The Board of Veterans Appeals is an independent body that decides appeals on questions regarding all veterans benefits. They are completely independent from VBA, and the Chairman of BVA answers only to the Secretary. BVA has jurisdiction of the appeal on any final decision on benefits made by the RO, and on any non-medical decision made elsewhere in the VA. When the appeal process begins, the file remains in the RO for the first steps of the process, but once the appeal has been certified to BVA, the file and all jurisdiction of it goes to the BVA office in Washington DC. If you have an inquiry on a case in appellate status, call the RO until the appeal has been certified to BVA; after that, call BVA. We will discuss the appellate process in a separate lesson.

THE COURT OF APPEALS FOR VETERANS CLAIMS:

The Court is an independent body that is not attached to the VA in any way. It is a "Title II Court" with a very narrow jurisdiction: they can only take cases where a final decision on benefits has been made by BVA. Once a case has been accepted by the Court, VA has no jurisdiction over the appeal, and access to the file is very limited. The Court is not geared to deal with telephone inquiries on the status of cases nor will they provide access to the file for someone else to answer inquiries. Only a few service organizations provide representation to the Court, and then only on cases they may choose to represent for select reasons. In other words, even though the veteran may want you to take his case to the Court, your organization may decline to do so. In those cases, you should refer the veteran to a private attorney who is listed to practice before this specific Court.

How A Regional Office Works Claims

All claims flow through a similar process in the RO. The flow may vary depending on the issue and exactly what action is required, but generally they all take a similar path.

Triage: All claims-related mail first flows into the Triage section. Mail is sorted and reviewed. New claims have a control immediately established. Mail that is intended for an already pending claim is sent to the file for that claim. Some claims that can be worked without additional development or decision making are worked in triage immediately. All other claims are either moved to the Pre-determination or Post-determination teams.

Pre-determination Team: This Team completes all development and "duty to assist" actions on claims that require a rating decision. The team is responsible for requesting all the evidence associated with the claim, preparing all the follow-up requests, ordering VA examinations, and keeping the veteran informed about the progress of the claim. The Team will retain jurisdiction of the claim until all the evidence has been received or all attempts to get the evidence have been exhausted.

Rating Team: This is the area where the rating decision is made. The claim moves from the Pre-determination Team to the Rating Team when it is ready for the decision to be made. The actual decision is made by a Rating Veterans Service Representative (RVSR). The RVSR has a wide range of decision-making authority. They will first determine whether a claim that was sent to them for a decision is actually ready for a decision, and if not, they can order additional development, including a VA examination or medical opinion. If the claim is ready for a decision, the RVSR will prepare the rating. Depending on the type of rating, it may require one or two signatures. Those that require two signatures are reviewed by another RVSR with extensive experience or a supervisor. After the rating has all the required signatures, it is placed in an area designated for service officer review. Service officers from organizations with an office inside the RO review the ratings before they are implemented. They can either sign off on the rating or take it back to the RVSR who wrote it to take another look. The RVSR is not obliged to change the rating if he/she thinks it is correct, but if the RVSR agrees to change the rating, they can do so at this point. The rating is not final until the veteran is notified by letter of our decision, so the rating can be easily changed if required. This procedure varies slightly from one office to another, but the basics are the same. Once the rating is complete and has been reviewed, it moves to the Post-determination Team for promulgation.

Post-determination Team: This is the final stop in the process for most claims. As the name implies, the claim comes here after the decision. The rating is made into an award of monetary benefits and the veteran is notified by letter of the decision. This Team is also responsible for all final authorization actions such as adding dependents or making administrative decisions on issues such as character of discharge, willful misconduct and so forth. They are also responsible for most burial claims and any other claim that does not require a rating decision.

Public Contact Team: These are the VSR's who answer the phones and provide service to walk-in clients. Usually these folks are on the Public Contact Team as part of a rotation among the various Teams in the Division. It is unlikely that you will get the same person every time you call. Public Contact Team also includes Fiduciary, Direct Services and Outreach.

The Appeals Team: As the name implies, this Team handles appeal actions as long as the case remains in the RO. They will handle the appeal from the Notice of Disagreement (NOD) through the certification to the Board of Veterans Appeals. This includes the de novo review, and if one is requested, the hearing. This Team usually staffed by RVSR's and the Decision Review Officers (DRO), there are other suggested staffing in CPI model. The staffing will vary from one office to another and in smaller offices, appeals may be an ad hoc duty for an RVSR who usually works on the Rating Team (No such team).

Fiduciary & Field Examination (F&FE): These sections are part of the Public Contact Team, not a separate team. These Sections handles assignment and monitoring of guardians for incompetent claimants to help ensure that their VA benefits are used for their care and support. Once the claimant has been rated incompetent for VA purposes, this team will perform a field examination with the claimant and the potential guardian. A suitable guardian will be appointed and benefits will be paid through them. The guardianship team (No such team) will perform regular reviews to account for the expenditure of VA benefits.

TRACKING YOUR CLIENT'S CLAIM

Once you have completed a claim, your client will want to be apprised of its' progress through the system. Most claims will track through the teams as shown above. When you call, you will be told that the claim is in the decision (No such team) team or the Pre-determination (No such team) team or whatever. The person you speak to will be looking at a computer tracking tool that shows the claim's progress through the process. In most instances, the person on the phone will not have the actual claim or claims file in front of them. The VA currently uses several computer systems to track claims, and when they are used as intended, are capable of pinpointing the exact status of the claim. In later lessons, we will learn how you will be provided access to some of these systems so you can track the claim from your office computer.

To be eligible for this training you must be accredited by your service organization. To gain access to these computer-tracking tools, you will need to successfully complete this course of training. To be able to review the status of a particular claim, you will need the above plus the individual claim will have to have a power of attorney to the organization you are accredited to in the system. For example, if you are accredited to VFW and the claim shows a power of attorney to DAV, you will not able to access the computer record. If a claim is filed with a new VA Form 21-22 to your organization attached, the POA will be updated when the claim tracking is initially established. If this is not accomplished, a phone call to the RO can usually fix it.

If you are accredited to a national service organization that has an office inside the RO, it may be your organization's internal policy to call or work through that office rather than call the RO directly. If so, we recommend you follow your organization's policies in that regard. If you do not work through your organization, your local RO may have a phone line dedicated for field service officers to call. If so, the RO will likely maintain a listing of accredited service officers in the field and will only respond to you if the claim you are inquiring on has a POA for the organization you are accredited to.

The Freedom of Information Act and The Privacy Act

The Freedom of Information Act provides that anyone can request copies of records held by the federal government. Exceptions are provided in the act to protect trade secrets and to protect the privacy of individuals. Virtually all records protected by the Privacy Act are exempted from disclosure under the Freedom of Information Act.

All VA claims records are protected under the Privacy Act. VA claims records cannot be disclosed to a third party without the consent of the person to whom the records pertain. Your VA records cannot be released without your permission.

The Privacy Act provides that records can be released in accordance with "routine uses". The VA has to publish the list of routine uses in a public document. For claims records, there are roughly 60 published routine uses. Among them is permission for an accredited service officer of an organization expressly named by the veteran to have access to the veteran's records. If you are not accredited to the organization named by the veteran, the VA cannot release any information to you. To do so would be a violation of law, and the VA employee who does so would be personally liable.

If you have completed a new VA Form 21-22 to the organization you are accredited to, but it doesn't show up in the VA record, you have a right to bring it to the RO's attention, but you do not have a right to try to get a VA employee to violate the law. We are aware of the frustration you have when your new POA doesn't show up on the record, and we are honestly working to ensure that every new POA is input with receipt of the claim.

We are also aware that when a veteran shows up at your desk for the first time and neither he/she nor you know if he/she has a POA or who it may be too, it is a problem just to figure out what they are receiving benefits for. In those cases, we can sometimes speak directly to the veteran and disclose the information you need to him/her. The VA is not insensitive to the fact that you are helping our mutual client and trying to provide the best claim you can, but we must operate within the law.

The Service Officer's Role

Your client will not likely know much about the VA, its different departments or how a claim moves through the process. To them, the VA is a large mysterious, bureaucracy. You are the expert and you can help them understand how it all works. Your knowledge can be a source of reassurance to them.

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The client will often come to you to inquire about the progress of his/her claim. If you can ascertain where it is in the process and explain that to your client, you will provide a great service.

In any system like this one, the key to getting things done is knowing who to call when a problem comes up. As time goes by, you will establish your own list of contacts, whether they are VA employees or other service officers who work in the RO, they will become your “go to” contacts.