

# **DEPARTMENT OF OHIO POST SERVICE OFFICERS TRAINING MANUAL**

**Suzette Price, Service Director**

*(Revised April 23, 2015)*

# TABLE OF CONTENTS

	<u>Page Numbers</u>
<u>Table of Contents</u>	i-ii
<u>Introduction</u>	III-IV
<b>Topic 1</b>	Topic Section Page Numbers
American Legion Service Officer Organizational Information	1
Suggested Duties and Responsibilities for American Legion Post and District Service Officers	1.1.1-1.1.2
District Service Officers Roles and Possibilities American Legion Post and District Service Officers	1.2.1
Code of Ethics	1.3.1-1.3.2
Service Officers Interaction with the American Legion Department of Ohio, VAVS & Gifts For Yanks Program	1.4.1
<b>Topic 2</b>	
American Legion Membership	2
American Legion Membership	2.1.1
<b>Topic 3</b>	
Veterans Service Legislation	3
Veterans Service Legislation	3.1.1-3.1.2
<b>Topic 4</b>	
Service Officer Tools	4
Claims Forms List	4.1.1-4.1.3
Common Mistakes and Recommendations	4.2.1
Newly Discharged Veterans	4.3.1
Replacing your DD Form 214	4.4.1-4.4.2
E-Benefits/ Claims Status Inquires	4.5.1
Inquiry Routing & Information System (IRIS)	4.5.1
<b>Topic 5</b>	
Benefits	5
VA Claims and Representation	5.1.1
Supporting Documents	5.2.1-5.2.2
Disability Compensation and Fully Developed Claims	5.3.1-5.3.2
Non Service Connected Pension	5.4.1- 5.4.2
Death Indemnity Compensation (DIC)	5.4.3
Widows Pension	5.4.4
American Legion Emblem Inscription on Grave Markers	5.4.5
Nationwide Gravesite Locator	5.4.5
Military Funeral Honors	5.4.5
Link to Federal Benefits for Veterans, Dependents and Survivors	5.4.6
Link to VA Health Care Benefits Overview	5.4.6
Link to National Archives Veterans Service Officer’s Information Page	5.4.6

**Topic 6**

Appeals	6
Appealing Medical Decisions	6.1
Veterans Healthcare Choice Cards	6.1
VA Benefits Appeals	6.2 -6.2.2
Waivers and Compromises	6.3-6.3.1
The Combined Rating Table and Rate Charts	6.4 – 6.4.1

## Appendices

Other Resources, and Addresses for Other Resources	A.1 - A.2
Web Site Resources	A.3 - A.4

# THE AMERICAN LEGION - DEPARTMENT OF OHIO

## POST SERVICE OFFICERS TRAINING MANUAL

### INTRODUCTION

The American Legion Department of Ohio veterans' service program has grown strong over the years. We support a professional service department with staffed Department Service Officers (DSO) in the Cleveland VARO, Cleveland VAMC, Dayton VAMC, Columbus ACC/Dept HQ, and Cincinnati VAMC. In addition, we also support the established County Veteran Service Offices located in each of the 88 counties of Ohio with nearly 150 accredited American Legion County Veteran Service Officers (CVSO). The main goal of a Post Service Officer (PSO) in Ohio is to be familiar with the benefits available to the veteran, and their dependents, and through established relationships with the nearest accredited American Legion Service Officer of whom is either an employee of the Department or located in the County offices.

This manual was created to assist the prestigiously selected PSO's to better perform their duties and when and how to apply for various Department of Veterans Affairs (VA) benefits. It also explains ways service officers may assist veterans with other service related issues, i.e., military affairs, employment, legislation, state benefits, etc.

**Due to the complicated nature of filing veterans' claims, we no longer advise volunteer PSO's to assist with completing claim forms. PSO's are not required to decide the merits of individual cases before advising veterans or their dependents about possible benefit entitlements.** PSO's should simply have a basic knowledge of the benefit being sought and refer claimants to a DSO or CVSO in order to obtain additional information about benefits and for completing benefit claim forms. All PSO's should, however, at least read this American Legion Department of Ohio Service Officers Training Manual and review the links provided so they may know when a veteran should apply for benefits and when referrals are appropriate. This manual provides basic guidance for PSO's and is intended to link veterans to the DSO's and CVSO's for a full explanation of various benefits available for veterans, their dependents, and survivors.

PSO's may apply for a "Certificate of Completion" from the Department of Ohio after reading The American Legion Department of Ohio Post Service Officers Training Manual. PSO's applying for the certificate must also complete the Department of Ohio Post Service Officer Workbook and Test issued with this manual.

Please remember this manual is simply a training tool; it is not an official government publication of veterans benefit statutes and regulations and it should not be used as such. Although I sincerely believe the information provided is 100% correct, please contact The American Legion Department of Ohio Service Director if you believe you have found an error.

Thank you for your commitment to veterans' services. Please do not hesitate to contact The American Legion Service Office using the following contact information whenever veterans service problems or questions arise: The American Legion, Cleveland Office, Will Brown, Supervisor, 1240 E. 9<sup>th</sup> Street, Room 923, Cleveland, OH 44199; (O) (216) 522-3504, (F) (216) 522-3233; email: [will.brown@va.gov](mailto:will.brown@va.gov). The Service Director, Suzette Price; (O) 740-362-7478 x-2; (F) 740-362-1429; Service Director's cell phone number; 740-971-3225; or email at [price@ohiolegion.com](mailto:price@ohiolegion.com); [suzette.price@va.gov](mailto:suzette.price@va.gov).

**TOPIC 1**

**AMERICAN**

**LEGION**

**SERVICE**

**OFFICER**

**ORGANIZATIONAL**

**INFORMATION**

**SUGGESTED DUTIES AND RESPONSIBILITIES**  
**FOR**  
**AMERICAN LEGION**  
**POST AND DISTRICT SERVICE OFFICERS**

1. Study and learn veterans benefit programs:

- A. Read thoroughly VA's Federal Benefits for Veterans, Dependents, and Survivors. (This is one of our links in this manual).
- B. Attend local Veterans Service Seminars and veterans' events.
- C. Attend and/or organize American Legion Veterans Service Seminars.
- D. Complete the Department of Ohio Service Officers on-line training.
- E. Communicate with the Department Service Office when veterans' service questions arise.
- F. Read and share with post members, information from Department of Ohio Veterans Service Update articles now published on the Department's website.

II. Inform claimants about filing claims:

- A. Offer information about filing claims to your post or district members.
- B. Offer information about filing claims to other veterans in your community.
- C. Visit post and district members when they are hospitalized, and let them know if they might be entitled to pension or compensation benefits.
- D. Help claimants obtain evidence to support their claims.
- E. Let the County Service Officer know who you are and offer your assistance.

III. Help develop and promote veterans legislative issues:

- A. Listen to concerns about veterans service issues and develop ideas for solutions.
- B. Help posts develop veterans benefit resolutions to present to their district and the department.
- C. Keep posts informed about the importance of "grass roots" legislative issues.
- D. Communicate the Legion's wishes to elected public officials when necessary.

IV. Discuss the importance of membership at every gathering in which you speak.

V. Help American Legion hospital and nursing home chairpersons find volunteers for their programs.

VI. Assist with other post and district service activities, such as, decorating veterans' graves, and providing financial assistance to needy veterans and their survivors.



## **DISTRICT SERVICE OFFICERS ROLES & POSSIBILITIES**

District service officers could coordinate veterans' service activities within their districts. In doing so, district service officers would pass veterans service information along to posts. The department service office will supply veterans' service information on a regular basis by means of the Veterans Service Update report posted on the department website within the VA&R Committee. District service officers could stress the need for posts to distribute that information to their members. The district service officer may also want to present service information at district meetings, publish veterans' service articles in the district newsletters, or both. District service officers could also encourage post service officers to promote active veterans service programs in their posts.

District service officers would also coordinate at least one American Legion, Department of Ohio, Veterans Outreach and Service Seminar in their districts per year. Department Service Officers will visit any post or district upon request to conduct a service seminar.

District service officers should also attend and encourage their post service officers to attend American Legion Post Service Officers training sessions. These sessions are conducted at periodic times throughout the state.

**AMERICAN LEGION**  
**POST AND DISTRICT SERVICE OFFICER**  
**CODE OF ETHICS**

1. Maintain a reputation for honesty and integrity with claimants, other service officers, and government agencies, including the VA.
  
2. Always maintain confidentiality when providing veterans' services. Claimants' cases, claimants' physical or mental conditions, or anything else learned through the service officer/claimant relationship is never for publication and should never be discussed with other than authorized officials.
  
3. Service officers have an obligation to their claimants to keep current with changing veterans' benefit programs and veterans service issues.
  
4. Service Officers should never attempt to answer questions for which they do not know the answers. Veterans' benefits are too complex to expect service officers to know all the answers all the time. When faced with a difficult question, the service officer should simply inform the inquiring person that he or she will provide an answer following proper research.
  
5. Do not ask a veteran to change his or her Power of Attorney from another organization to the American Legion. When other service organizations hold the Power of Attorney and the veteran has a claim pending, professional courtesy requires us to encourage the claimant to continue with the organization presently holding power of attorney -- at least until VA completes the processing of the pending claim or appeal.
  
6. American Legion Service Officers should never imply to a claimant that he or she may perform a better job than another American Legion Service Officer, or imply to a claimant that another American Legion Service Officer is incompetent in his or her duties.

7. While performing official duties and while attending veterans events, American Legion Service Officers must remember that they are representatives of the organization and conduct themselves accordingly with the absence of any conduct that could damage the Legion's reputation.
  
8. At meetings and social functions, all the organization's guests should be treated with respect and dignity regardless as to if their views are contrary to our own -- anything less would serve only as a bad reflection on this organization.
  
9. Service officers must show respect and courtesy to all claimants. A service officer may provide claimants with facts, but should never engage in an argument with a claimant.
  
10. Service officers must **never demand membership or accept money or any other form of gratuity for services**. This does not mean that service officers are prevented from offering membership to qualified veterans; in fact, this is encouraged.

**SERVICE OFFICERS' INTERACTION WITH**  
**THE AMERICAN LEGION DEPARTMENT OF OHIO**  
**VAVS AND GIFTS FOR YANKS PROGRAM**

The American Legion, Department of Ohio Veterans Affairs Voluntary Services (VAVS) Program is funded through donations received from individual members, as well as Legion Posts and Districts and falls within the Gifts For Yanks (GFY) Program. Those funds are then allocated to appoint American Legion VAVS Program Volunteers who support veterans at VA Medical Centers (VAMC), Community Based Outpatient Clinics (CBOC), and VA VET CENTERS through the purchase of coffee and snacks to arranging social activities for veteran patients. The GFY Committee has recently created a Homeless Veteran Program to assist with VA supported homeless veteran standowns which allocates not more than \$2,000.00 for such an event. Funds are also allocated for use at the Sandusky and Georgetown Ohio Veterans Homes and the Ohio Department of Mental Health for those veterans who are inpatient. The dollar amount utilized through the VAVS program depends upon the amount fundraised by the Legionnaires and Districts each year. No doubt, the generosity of Legionnaires has favorably touched the lives of many veterans.

American Legion Post Service Officers are encouraged to participate in the VAVS and GFY program which encourage volunteerism and donations. PSO's should also encourage members to assist the appointed VAVS personnel, considering the average age of a VAVS person is 76 years old. Additional volunteers are always welcome and needed for things such as patient visitations and assistance with social activities. PSO's and District Service Officers could therefore communicate regularly with appointed VAVS persons and discuss their needs at District and Post meetings.

Legionnaires are always willing to help one another and share kindness to those in need; however, willing volunteers will never be found if service needs are left unexpressed. By announcing specific needs for services during American Legion post and district gatherings, Legion service officers can help fill voluntary service needs and brighten the lives of medically confined veterans.

Service officers can find a listing of appointed VAVS Volunteers from the Service Director at Department Headquarters.

**TOPIC 2**

**AMERICAN**

**LEGION**

**MEMBERSHIP**

## AMERICAN LEGION MEMBERSHIP

As with most, if not all, not-for-profit veterans' organizations, the existence of The American Legion depends upon membership. Without membership, the organization could not sponsor and administer its many important programs, such as, Americanism, Children and Youth, Economics, Foreign Relations, National Security, and Veterans Affairs and Rehabilitation.

In addition to the nation, state, and community's loss following a breakdown of Legion programs, veterans would also lose. Elected government officials would no longer feel the need to sponsor or support veterans legislative issues, and veterans benefit programs would easily give way to demands of the federal Office of Management and Budget and its state government counterparts. Also, eligibility requirements for VA medical care would become even stricter, and hospitalized veterans would no longer receive visits from American Legion rehabilitation volunteers. Further, individual veterans having a disagreement with VA benefit decisions could no longer turn to the American Legion service office for assistance and representation with their appeals.

These are only a few of many reasons why every legion member, including PSO's, should encourage all eligible veterans to join or renew their membership with The American Legion. **American Legion service officers should never decline assistance or representation to non-members, but service officers should offer all eligible non-members an opportunity to join.**

Article IV of The American Legion National Constitution indicates any United States citizen who served in the U.S. armed forces or entered an associated government's armed forces while a citizen of the United States during one of the following periods is eligible for American Legion membership if the individual was released from active duty with an honorable discharge or continues to serve on active duty honorably during any one of the following dates:

August 2, 1990 to the cessation of hostilities as determined by the U. S. Government  
December 20, 1989 through January 31, 1990  
August 24, 1982 through July 31, 1984  
December 22, 1961 through May 7, 1975  
June 25, 1950 through January 31, 1955  
December 7, 1941 through December 31, 1946  
April 6, 1917 through November 11, 1918

For membership purposes, service in the armed forces includes active duty service in the United States Army, Navy, Air Force, Marines, and Coast Guard. National Guard or Reserve service also qualifies for membership if the guardsman or reservist had at least one day federal service in a period of war.

Essentially, one may state a U. S. citizen is eligible for American Legion membership if he or she received an honorable discharge after serving federal duty in the armed forces during a period of war or continues to serve honorably having served during wartime service. **American Legion service officers must remember though, wartime service dates for American Legion membership purposes are more inclusive than wartime service dates for many federal and state benefit programs.**

**TOPIC 3**

**VETERANS**

**SERVICE**

**LEGISLATION**

## VETERANS SERVICE LEGISLATION

Laws authorizing various veterans benefit programs often have their beginning at the "grass roots" level. In the American Legion, this means resolutions initiated at American Legion Posts at the recommendation of one or more of its members.

Service officers often become aware of injustices within laws and regulations controlling the current veterans benefit system. Sometimes these injustices occur simply through VA's misinterpretation of laws or regulations that could be corrected through the administrative appeals process. The administrative appeals process will prove inefficient though, if legislative action is necessary to change a law before correction of the injustice. This is when American Legion service officers should develop resolutions to initiate change of laws, and then process those resolutions through appropriate channels.

Several steps are necessary prior to the American Legion supporting a resolution. Many posts have committees that review various resolutions prior to recommending them to their posts for passage. If the post passes the resolution it may be presented to the district for consideration. Once passed at district level, a resolution may be presented to the department convention through the department headquarters. When a resolution involving state matters is passed at the department convention, it becomes a directive of the American Legion, Department of Ohio. Resolutions involving national issues must also be presented and passed at the national convention before becoming a national directive or policy of The American Legion.

Successful department resolutions have the full support of approximately one hundred thousand American Legion members within the State of Ohio, and successful national resolutions have the support of approximately 2.4 million American Legion members nationwide. Members of The American Legion Auxiliary and Sons of The American Legion, also support American Legion resolutions. With this support, Congress and state legislators seriously consider American Legion recommendations.

Before resolutions are presented to the originating body, the subject matter should be properly researched and the resolution itself well written. No one and no post wants to appear ill advised or misinformed when their resolutions are reviewed at the next level. This can easily happen if the proposed resolution is detrimental to establish veterans benefit programs, already law, or against the policies of The American Legion (see **Resolution No. 21, 1960**). American Legion service officers are therefore advised to discuss their idea for improving veterans' benefits with The American Legion Department Service Officers (DSO) or the Service Director before the resolution is written. The legislation process is an important function of The American Legion and warrants service officer participation to present informed proposals for improving veterans benefit programs or simply maintaining those benefit programs now available.

Another resource to stay on top of legislation regarding veterans is the House Committee on Veterans Affairs: <http://veterans.house.gov/>



In addition to offering advice and guidance the DSO could provide research assistance. PSO's may find directions for writing resolutions within section four of The American Legion Officers Guide and Manual of Ceremonies as expressed in The American Legion May 1960 national resolutions numbers 20 and 21, or obtain a copy of The American Legion Resolution and Reports, a guide for writing resolutions, at [http://www.legion.org/documents/pdf/resolutionbooklet\\_rev\\_1.pdf](http://www.legion.org/documents/pdf/resolutionbooklet_rev_1.pdf).

**TOPIC 4**  
**SERVICE**  
**OFFICER**  
**TOOLS**

## VA STANDARD CLAIM FORMS LIST

<u>BENEFIT TYPE</u>	<u>VA PRESCRIBED FORM</u>
Service Connection (Original)	21-526 21-526c 21-526EZ
Service Connection (New or Reopen)	21-526 21-526b 21-526c 21-526EZ
Increase Evaluation	21-526 21-526b 21-526c 21-526EZ
Temporary Total Disability Rating	21-526 21-526b 21-526c 21-526EZ
Individual Unemployability	21-8940 is required for grant of benefits, IU can be filed on any of the following forms as well: 21-526 21-526b 21-526c 21-526EZ
Post-Traumatic Stress Disorder	21-0781 (required when filing PTSD)
Helpless Child Benefits	21-526 21-526b 21-526EZ 21-686c 21-527 21-527EZ 21-534 21-534a
NSC Pension	21-526 21-527 21-527EZ
Intent to file a claim	21-0966

## CLAIM FORMS LIST CONTINUED

<u>BENEFIT TYPE</u>	<u>VA PRESCRIBED FORM</u>
DIC, Death Pension and Accrued Benefits	21-534 21-534a 21-534EZ 21-601 (Accrued Benefits Only)
Specially Adapted Housing (SAH) or Special Home Adaptation (SHA)	26-4555 is required for grant of benefits, SAH/SHA can be filed on any of the following forms as well: 21-526 21-526b 21-526EZ 21-4555c is required for supplemental SAH/SHA benefits
Auto Allowance	21-4502 is required for grant of benefits, Auto Allowance can be filed on any of the following forms as well: 21-526 21-526b 21-526EZ
Housebound/Aid & Attendance (including spousal A&A)	21-2680 is required for grant of benefits, but HB/A&A can be filed on any of the following forms: 21-526 21-526b 21-526EZ 21-527EZ 21-534EZ
Spina Bifida	21-0304
Apportionment	21-0788
Dependents	21-526 21-527 21-527EZ 21-686c
Appeal	21-0958
Communication with VA	21-4138
Appointment of Veteran Service Organization	21-22

## VA FORMS CONTINUED

<b>Dependent parents' DIC application</b>	<b>21-535</b>
<b>Application to extend dependency allowance when a child Is 18 years of age or older continues to attend school</b>	<b>21-674</b>
<b>Request for Nursing Home Information in Connection with Claim for Aid and Attendance Benefits</b>	<b>21-0779</b>
<b>Authorization for VA benefits offices to disclose personal information to a third party (other than the accredited representative)</b>	<b>21-0845</b>
<b>Request for Substitution of Claimant Upon Death of Claimant</b>	<b>21-0847</b>
<b>Medical Release Consent</b>	<b>21-4142 21-4142a</b>
<b>Medical Expense Report</b>	<b>21P-8416</b>
<b>Veteran Education Benefits</b>	
<b>Dependents Application for VA Education Benefits (Under Provisions of chapters 33 and 35)</b>	<b>22-5490</b>
<b>Vocational Rehab</b>	<b>28-1900</b>
<b>VA Home Loan Entitlement</b>	<b>26-1880</b>
<b>Application for United States Flag for Burial Purposes</b>	<b>27-2008</b>
<b>Vocational Rehab</b>	<b>28-1900</b>
<b>Request for Federal Records and DD-214</b>	<b>SF-180</b>
<b>National Archives</b>	<a href="http://www.archives.gov/">http://www.archives.gov/</a>
<b>VA Internet Forms Access Page Address</b>	<a href="http://www.va.gov/vaforms/search_action.asp">http://www.va.gov/vaforms/search_action.asp</a>

There is a VA FORM, DA FORM, SF FORM, for nearly everything one needs to do with the Military, Government, or Department of Veterans Affairs. These are just a sample of the most common ones used. Some benefits become denied due to not submitting the proper form which is why we stress the urgency of communicating with a County Veteran Service Officer (CVSO) or a Department Service Officer (DSO), both accredited with either The American Legion or another Congressionally Chartered Veteran Service Organization.

## **COMMON MISTAKES AND RECOMMENDATIONS FOR SERVICE OFFICERS**

1. Never inhibit the filing of a claim if a claimant believes he or she may be entitled to benefits. (Unless you know the claimant wants to file a fraudulent claim.) Direct them to a DSO or CVSO.
2. Remind the veteran that when asking for an increase of benefits there is a risk of being reduced, especially if veteran is receiving 100% disability Individual Unemployability, all issues subject to review.
3. Never advise claimants to under report income considered in calculating non-service connected pension benefits.
4. Never advise claimants to over report un-reimbursed medical expenses considered in calculating non-service connected pension benefits.
5. If a veteran or claimant is dissatisfied with a decision rendered by The Department of Veterans affairs, never advise them to file an appeal on their own.
6. Make sure claimants understand they only have sometimes 30, 60, or 180 days of due process rights for most claims.
7. Don't advise claimants they must request a VA hearing to appeal a VA decision.
8. Don't change a claimant's Power of Attorney if there is currently an appeal pending.
9. Make sure the veteran knows to notify the VA and his or her service organization when there is a change of address.
10. Make sure surviving spouses know they must reassign a Power of Attorney, now becoming the claimant when filing for benefits on behalf of a deceased veteran.
11. Never inhibit the filing of a claim or assigning of a Power of Attorney because the veteran does not belong to a service organization.
12. Never guarantee a claimant that he or she will receive benefits for which the application is made.
13. Make sure claimants know that their signature on a VA form certifies the report given is true and correct to the best of their knowledge.
14. Make sure claimants understand when they must report changes in income and dependency status.
15. Make sure you are covered by liability insurance prior to transporting veterans.
16. Make sure claimants know how the VA determines effective dates of claim for both submission and payment. The first of the month following the submission for payment.

## **NEWLY DISCHARGED VETERANS**

Upon being discharged, veterans may or may not have filed a BDD claim, Benefits Delivery at Discharge. If they have then their claim is most likely already pending with a VARO closest to the military base of which they were discharged. If they have not and they are in their first year of discharge they may be eligible to receive benefits granted to them the first day following discharge, if the claim is filed within one year of the discharge date.

It is encouraged to have the veteran take the following information to their DSO or CVSO:

- A. Certified copy of DD Form 214
- B. Service Medical Records
- C. Copy of marriage certificate
- D. Copies of children's birth certificates
- E. Copies of private medical records or signed medical information release forms
- F. Copies of documents showing dissolution of prior marriages of veteran and spouse
- G. Supporting lay or doctors' statements
- H. Copies of documents showing entitlement to military awards or citations

There are also several things you can advise the veteran of that they are entitled to immediately upon discharge and up to 5 years:

1. Upon discharge the veteran is entitled to VA Health Care up to 5 years, including dental. Please be sure to advise to the veteran to register at their local VHA facility.
2. Unemployment benefits may be an option of not able to find work immediately.
3. The veteran may be able to convert the Serviceman's Group Life Insurance (SGLI) to Veterans Group Life Insurance (VGLI).
4. Discuss educational benefits and the possibility of going or returning to college or trade school.
5. Veterans who served in the Iraq War may be eligible to receive a grant from the Ohio Veterans Bonus. [https://veteransbonus.ohio.gov/odvs\\_web/](https://veteransbonus.ohio.gov/odvs_web/)

## **REPLACING YOUR DD FORM 214**

*(Active Duty Separation Document)*

If you have served on active duty in the armed forces, your DD Form 214 is a very important document. You could be entitled to various veterans' benefits and assistance programs. You will find, though, qualifying for these benefits require proof of your veteran's status. If you are lucky, the government will carefully store and safeguard your DD Form 214 – but don't count on it! Many veterans (even those having years of military service) have been denied benefits because of the loss of their DD Form 214 and their inability to prove their veterans status.

If you have lost your DD Form 214, you *might* be able to find a replacement using one of the following resources:

- **The County Recorders Office** in the county that you returned to immediately following your active duty discharge. Your DD Form 214 will be at the County Recorders Office only if you had it recorded there following your service discharge. Once the County Recorder's Office records the DD Form 214, it often becomes a matter of public record. If your DD Form 214 is at the County Recorders Office, you should be able to receive a certified copy on the day of your visit. Some of these offices may provide you with a "Veteran ID" card specific to their county as a result of filing your DD-214 with that particular county.
- **The Ohio Department of Veteran Services** may be able to access your DD-214 within minutes if you entered and exited service within the State of Ohio. You must contact the Ohio Department of Veteran Services at 614-644-0898 or see your nearest local County Veteran Service Office.
- **A Veterans Service Organization** may have a copy of the DD Form 214 on file if the veteran was ever a member of the service organization and the organization required the veteran to provide a copy of the DD Form 214 before accepting the membership. Many organizations, such as, The American Legion, keep copies of their members' DD Forms 214 on file at their local posts or chapters. Most posts will issue a copy only to the veteran or to someone the veteran has authorized in writing to receive a copy. Not all service organizations keep copies of DD Forms 214 on file and when they do, it is done at the local post or chapter. If the local post has a copy of the DD Form 214, the post could usually supply a copy as soon as the post commander is contacted. It is not required by IRS to have these on file and due to the security of information on the document it is not encouraged to keep them within the Post. However, the Post must be able to furnish them if notified in writing by the IRS. All members should have a copy of their DD-214's readily available for such matters.



- **The Department of Veterans Affairs (VA)** does not furnish copies of DD-214's even if they have them. The Veteran Service Organizations are also not allowed to furnish DD-214's to veterans from the VA software programs. It is the DVA policy that all DD-214 requests go through the National Personnel Records Center (NPRC, National Archives: [archives.gov](http://archives.gov)). The VA will forward any Freedom of Information Act Requests (FOIA) they receive to NPRC. Due to the electronic nature of records now being kept and stored, as well as, the efficiency of record keeping, it is in the veterans best interest to start there.
- **The National Personnel Records Center (NPRC)**, 9700 Page Avenue, St. Louis, MO 63132-5100 may have a copy of the DD Form 214 on file if the veteran has been discharged from active duty for at least three and often six to seven months. Application to the NPRC should be made on a government Standard Form 180. These forms are available at VA Regional Offices, most County Veterans Service Offices, or The American Legion Department of Indiana Service Office (317-226-7918). These requests are also protected by the privacy act explained on the Standard Form 180. NPRC may not respond to the request for several months. The National Personnel Records Center will also now accept electronic requests for personnel records including a replacement DD form 214, at: <http://www.archives.gov/veterans/military-service-records/standard-form-180.html>. Electronic request are usually filled much sooner than a mailed request using a SF 180. Actually, a copy of a DD form 214 from the NPRC will be a DD Form 215, but the DD Form 215 is accepted anywhere for benefits purposes the same as a DD Form 214.

**The Service Branch for Active or Current Reserve Members** may still have a copy of the DD form 214 on file under the following circumstances:

- (1) when the veteran had more than one period of active duty and is still on active duty;  
or
- (2) when the veteran is in the reserves or still has a reserve obligation; or
- (3) when the veteran has been discharged from active duty for only a short time -- 3 to 7 months -- and the records have not yet been sent to the NPRC.

The specific addresses for requesting a DD Forms 214 from the Service Branches are listed on the Standard Form 180 that should be used for making the request. Standard Forms 180 are available at the VA regional office, most county veterans service offices, and the American Legion Department of Ohio Service Office (216) 522-3504. Or online at <http://www.archives.gov/>.

## **E-Benefits and Claims Status Inquiries**

In the past we were witness to the longest claims processing activity ever in the history of VA. The main reasons for this “backlog” has been due to the increase in the amount of claims coming through the VA Regional Offices, as well as, the increase in claimed issues, and the results of advocacy we and the CVSO’s accomplish by informing veterans they may be eligible for such benefit. With the new implementation of programs such as eBenefits, discussed below, and offering Fully Developed Claims, those veterans who have technology skills are able to either check the status of their claims directly on the internet and file claims with all the evidence in a more efficient manner. We don’t ever recommend filing a claim without assigning and receiving assistance from a DSO, PSO, and with the help and encouragement from a PSO.

The American Legion Department of Ohio currently has well over 75,000 veterans and clients listed on file. Not all have claims or appeals pending, but the majority do (2015: 3,217). For those clients who have filed traditional (not fully developed) claims, VA could take 12 months or longer before making an original decision. If the claim is denied and an appeal is initiated, the appeal could linger in the VA appeals system for 4 to 5 years or longer before a final decision is made by the Board of Veterans Appeals.

If a veteran or client has a long pending claim, they often call our offices frequently hoping for status or resolution. While we do serve them, we too are at the mercy of the VA adjudication process. Our clients may now, however, check the status of pending claims online by using VA’s eBenefits Internet portal if they are eBenefits Premium (Level 2) account holders. To determine the status of the pending claims, claimants may login to their eBenefits account (<https://www.ebenefits.va.gov>) and select *My eBenefits*. On the "Compensation" tab, then select *Compensation & Pension Claims Status* to view the claim status. If the claimant is not an eBenefits account holder, he or she should visit the eBenefits Registration page at <https://www.ebenefits.va.gov/ebenefits-portal/> for information on how to establish an account.

Claimant’s may also call VA directly at 1-800-827-1000 and follow the recorded instructions, or go to <https://iris.custhelp.com/>, click the “Status of a Pending Claim” link, and submit an inquiry.

If claimants contact VA directly using the above information for simple status inquires, The American Legion Department Service Office can focus more on providing claims filing advice, working to make sure VA decides claims correctly, and representing veterans with their appeals.

### **Inquiry Routing & Information System (IRIS)**

This VA webpage is found at: <https://iris.custhelp.com/>. It provides additional resources for obtaining VA information, including: VA facility locations, VA toll free numbers, a way to obtain answers to VA Education Assistance inquiries, an eBenefits portal, a Frequently Asked Questions list, a place to ask VA questions about VA programs, and links to finding the status of a pending claim, obtaining a copy of a DD Form 214 or other service record, VA Forms, Aid and Attendance and Housebound pension information, general claims processing time information, direct deposit information, and information concerning jobs and employment opportunities.

**TOPIC 5**

**DEPARTMENT**

**OF**

**VETERANS**

**AFFAIRS**

**BENEFITS**

## VA Claims and Representation

The VA claims section of this manual is now essentially a link to the latest VA benefits information book. The VA benefits book describes the eligibility requirement for each benefit. Service officers should familiarize themselves with each benefit so they may better help others know what benefits are available.

Service officers will not want to cause veterans to lose benefits or bring harm to their claim. If a claimant already has service connection established for a disability, make sure to advise the claimant that the law does not protect continuation of the "Service connection status" until after the disability has been service connected for at least ten years. Also advise the claimant that the law does not protect disability percentage ratings until after the ratings have been in effect for twenty years or more. **Beware, protection of the disability's "Service connection" after ten years does not protect the rating; the rating is protected only after rated continuously for twenty years or more.** The decision to reopen a claim is solely the claimant's, but make certain the claimant is aware of the risks involved if either service connection or the rating is unprotected by these ten and twenty year rules.

Before The American Legion may assist anyone with a VA claim, the claimant must complete and sign a VA form 21-22. This form is normally referred to as a "Power of Attorney." VA Forms 21-22 do not allow the claimant to give a non-accredited Service Officer permission to receive information concerning the claim <http://www.vba.va.gov/pubs/forms/VBA-21-22-ARE.pdf>.

Claimants may now, however, authorize third parties, including, post, district, county veterans service officers, or anyone else direct access to the claimant's VA information by completing, signing and submitting a VA Form 21-0845 to the VA regional office. This form, however, does not appoint the third party as the claimant's representative.

Link for VA Form 21-0845: <http://www.vba.va.gov/pubs/forms/VBA-21-0845-ARE.pdf>

If a claimant signs any form with an "X," it must be witnessed by two people who must also note their address with their signature.

If the claimant is assigning The American Legion to represent him/her with a government insurance matter, a separate VA form 21-22 must be returned for filing with the VA Insurance Center.

The VA form 21-22 (Power of Attorney Form) only needs filed once. The assignment will then remain in effect until the claimant either informs the VA that The American Legion is no longer authorized as his/her representative or the claimant assigns another service organization or attorney as his/her representative. If, however, the veteran claimant dies and his or her spouse wants to assign The American Legion as his or her representative in claims for survivors benefits, the surviving spouse must supply a completed and signed VA form 21-22 of his or her own.

Please remember that The American Legion Code of Procedure does NOT allow us to accept POA when a claim is in process pending a rating decision or being administered by the BVA.

## **SUPPORTING DOCUMENTATION**

When an original claim or a reopened claim is filed, the VA will often want supporting documentation, e.g., marriage license, birth certificates, receipts, medical evidence, etc. Although it's good to provide all this information when the claim is filed, it's not always practical and waiting to obtain the information could cause the claimant to lose months of retroactive benefits.

By law, the effective date of a VA award is usually the day following discharge from active duty if the claim is filed within one year after active duty discharge; otherwise, the effective date of the award is the first day of the following month after the claim is filed. When considering this VA regulation you can see that waiting a few days to obtain supporting documents before filing the claim could cause a claimant to lose a month or sometimes up to a year or more of retroactive benefits. The general rule is -- **file an informal claim, then obtain and file the formal claim and supporting documents. Informal claims are now filed on a VA Standard Form 21-0966 and called *Intent To File a Claim*.**

When qualified, VA will allow additional benefits in the form of dependency allowance. Claimants should first submit copies of their marriage license and/or children's birth certificates, along with VA FORM 21-686c *Status of Dependents*. The custodian of records holds such documents. In Ohio, the custodian of records would include the County Recorder Office or the County Clerk's Office.

If a claimant's dependency status changes (divorce, marriage, birth, etc.) after the original claim has been filed, an additional VA form 21-686c needs completed and submitted along with the appropriate documents. Since the new compensation and pension forms (VA Forms 21-526EZ and 21-527EZ) do not have a place to note dependency information, the completed VA Form 21-686c to claim dependency allowance is mandatory to establish dependency when filing a VA Form 21-526EZ or 21-527EZ if the dependency allowance information is not already within VA records.

When claimants need the VA to obtain supporting medical evidence, they should use a VA form 21-4142 and 21-4142a, *Authorization to Obtain Medical Evidence*, that note the date and place of treatment. This form is asking the VA to obtain those medical treatment records on behalf of the veteran from an outside private physician, non-government entities. It is always quicker to have the veteran obtain this information for him/her self and submit to the VA, keeping copies for self. The VA regional office, however, also requires receipt of a completed and signed VA form 21-4142 before it requests copies of VA Vet Center records. Although the "Veterans Claims Assistance Act" requires VA to assist veterans with obtaining supporting evidence, claimants still have a responsibility to participate in efforts to obtain evidence. Veterans filing fully developed claims should submit with their claim, copies of any private medical treatment records they want VA to consider as evidence. If VA receives a VA Form 21-4142 with a claim, VA will automatically work the claim as a traditional claim even if it had been pending as a fully developed claim.

When a claim for service connection of a disability is filed, the VA is most interested in obtaining medical evidence that could show the development of a chronic disability during or closely following the veteran's active duty service. When a claim is filed for an increased disability rating, the VA has more interest in obtaining medical evidence showing the current severity of the disability.

In non service connected pension cases, VA will allow claimants to report un-reimbursed medical expenses for the purpose of reducing countable income for pension purposes and increasing their pension award. This is usually done following the end of a calendar year by using a VA Form 21P-8416. VA will not normally request medical receipts, but they may; therefore, please encourage claimants to save their receipts. If for any reason VA believes a claimant has over reported medical expenses in an effort to obtain additional pension benefits, VA will require that claimant to provide receipts. If that claimant cannot show receipts for the claimed medical expenses, VA will likely require the claimant to provide receipts for his or her claimed medical expenses for the next three years.

Sometimes items sent to VA are lost either in the mail or by the Department of Veterans Affairs itself. Service officers should therefore encourage claimants to copy and save evidence, forms, and other documents being filed with the VA. Non-accredited service officers should not keep any of the veterans information. Please ensure that when submitting evidence, to help avoid lost documents, the claimant or the service officer should note the veteran's claim number (usually the veteran's social security number) at the top of each page of each document submitted to VA).

Veterans seeking higher compensation ratings for service connected disabilities need to supply VA a completed VA Form 21-526EZ asking for a higher compensation rating for the specific service connected medical condition(s). VA would then likely schedule the claimant for a compensation examination to help determine the severity of the service connected condition for rating purposes.

A person attempting to reopen a previously disallowed claim for service connection will need to provide more than a personal statement of contentions to reopen a claim. In this case, the claimant would need to supply new and material evidence. New and material evidence consists of evidence that the VA has not previously considered that would at least show a possible link between the claimed disability and the veteran's service in the armed forces. It cannot say the same thing or be redundant in nature but must take on a whole new observation or opinion.

Service officers having questions pertaining to the development of supporting evidence should contact the American Legion Department Service Office.

## DISABILITY COMPENSATION & FULLY DEVELOPED CLAIMS

Disability compensation is a monthly VA benefit paid to veterans who have been discharged from active duty under other than dishonorable conditions, and who have incurred a chronic disability coincident to such service.

Disability compensation is paid only after VA establishes service connection for the disability. Service connection is granted when a disability is: 1) Directly incurred in service; 2) Aggravated by service; 3) Presumed to have been incurred in service; 4) Caused secondary to a previously established service connected disability; or 5) A service connected disability totally or substantially impairing a bodily organ or extremity and the remaining bodily organ or extremity is also totally or substantially disabled from other than service connected reasons.

VA disability compensation is also payable for disabilities incurred because of VA vocational rehabilitation training, or additional disability coincident with VA medical care or the lack of medical care and attention VA should have reasonably given. This is called a 38 United States Code 1151 claim.

Previously, the original compensation claim -- and only the original compensation (or pension) claim -- would be filed on a VA form 21-526. VA, however, has recently established a new form (VA Form 21-526c) for filing original compensation claims for veterans getting ready for but not yet discharged from active duty service, and a VA Form 21-526EZ for veterans filing **fully developed compensation claims**. The VA Form 21-526 can still be used, but VA will process compensation claims received on anything other than a VA Form 21-526EZ as traditional claims. Traditional claims are currently taking VA a year or longer to process and decided. We therefore now advise veterans to file all original, reopened, new, and/or higher compensation rating claims using the VA Form 21-526EZ. If the veteran files the compensation claim using a VA Form 21-526EZ along with copies of all non-federal government evidence (medical records, lay statement, etc.), and no other VA claims or appeals are pending, VA will accept that claim as "Fully Developed" and normally make a decision within less than 6 months. Veterans may also use a newly established VA Form 21-526b when asking for a higher compensation rating for a medical condition that VA has already service connected or when asking for "secondary service connection" of a disability, but claims filed on a VA Form 21-526b will always be considered traditional claims. We therefore **advise veterans to use the VA Form 21-526EZ when filing compensation claims instead of a 21-526 or the 21-526b**. When completing a VA form 21-526EZ, please answer all questions to the best of the claimant's knowledge and try not to leave any question unanswered. If VA must contact the claimant to clarify something on or missing from the 21-526EZ VA will take that claim out of the fully developed claims process and process it as a traditional claim resulting in a very long delay for a decision. If available, a certified copy of the veteran's active duty separation document (DD form 214) should also accompany the original disability compensation application.

Veterans should not normally concern themselves with obtaining service medical records for their VA claims. The Department of Veterans Affairs will request all available service medical records from the appropriate branch of service immediately upon receipt of the veteran's original claim for disability compensation benefits. Claimants should, however, submit all original service medical records they

have in their possession after making copies for themselves. Also, veterans should not obtain copies of medical records already in the VA file and resubmit them to the Department of Veterans Affairs: this will only thicken the veteran's VA claim file and adds to the confusion.

The amount of VA disability compensation paid is based upon the current severity of the service connected disability or disabilities. As the disabilities become worse, the veteran should apply for a higher compensation rating. Caution is necessary, however, if the veteran's rating is not yet "Protected from reduction." (See the section in this Manual entitled VA Claims and Representation).

The severity of the disability is evaluated in increments of 10 ranging from 0% to 100% disabling. When there are two or more service-connected disabilities, the veteran is paid based upon the "Combined" disability rating. The combined disability rating is calculated by using VA's Combined Rating Table and not by adding together the separate disability ratings.

Very severely disabled veterans may also receive special monthly compensation (SMC) benefits that could pay greater monthly compensation awards than the 100% rating offers. Examples of SMC cases include service-connected disabilities causing loss or loss of use of one or more extremities, blindness, or total deafness. Additional information pertaining to special monthly compensation benefits may be found within the 38 Code of Federal Regulations Section 3.350 and 38 United States Code Chapter 11 Section 14 (referred to as Section 1114). <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title38/pdf/USCODE-2011-title38-partII-chap11-subchapII-sec1114.pdf>

Please ensure veterans understand and sign their compensation application prior to sending the application to the American Legion Department of Ohio Service Office. We never want to encourage the veteran to send the application directly to the VA and always want the claims forwarded to our AL office in Cleveland to ensure it is properly filled out in order to safeguard and secure all the benefits they may be entitled to.



## **NON SERVICE CONNECTED PENSION**

VA offers a non service connected pension to wartime era veterans who have served 90 days or more active duty in the armed forces, were discharge under other than dishonorable conditions, and who have a disability or a combination of disabilities that "permanently" preclude them from engaging in a gainful employment activity. VA will now concede that the veteran meets the permanent and total disability requirement if the veteran is a patient in a nursing home, has been determined totally disabled by the Social Security Administration, or is at least 65 years of age.

This non-service connected pension benefit guarantees the veteran an annual income that is usually increased each year with a cost of living adjustment (COLA). **Most all of the claimant's other income and income from other household members reduces the non-service connected pension benefit dollar-for-dollar.** The total amount of the veteran's un-reimbursed family medical expenses over 5% of the basic pension benefit is used to reduce the amount of income from other sources counted against the non service connected pension benefit. All expenses the claimant must pay toward the cost of nursing home care (over the 5% deduction) may subtract from the countable income for VA pension purposes. **VA will also allow the costs of assisted living facility expenses or home care expenses as reducing the claimant's countable income for VA pension purposes if VA can find the claimant meets the disability requirements for entitlement to VA Special Monthly Pension (SMP) Housebound or SMP Aid and Attendance benefits and the claimant is receiving custodial care, but the same is not true for claimants entitled to only the basic VA pension.** For pension purposes VA accepts custodial care as providing assistance with at least two activities of daily living defined as bathing or showering, dressing, eating, getting in or out of bed or a chair, and using the toilet. Once the pension is calculated, VA normally pays the benefit in twelve monthly installments.

Non-service connected pension is adjusted upwardly when the number of the veteran's dependents increase and downwardly when the veteran loses dependents. A dependent includes a spouse, child, or stepchild. The child or stepchild must be under age 18 or under age 23 and attending school. The stepchild must have acquired that status before the age of 18 while living as a member of the veteran's household.

Copies of the veteran's marriage certificate and the children's birth certificates should also be submitted if not already within the VA claim file. The veteran should also supply documents proving the termination of all prior marriages of both the veteran and his or her current spouse. VA will normally waive the document copy requirement if the claimant can give the exact dates and places of all marriages, and divorces or deaths of previous spouses.

Shortly before a dependent child's 18th birthday, the veteran should complete and return a VA form 21-674 if the child will remain in school after becoming 18 years of age. This will allow the claimant to keep the child as a dependent for VA purposes until the child either stops attending school or reaches the age of 23.

The Veteran should use a VA Form 21-527EZ when filing a non-service connected pension claim. Veterans applying before their 65<sup>th</sup> birthday should also obtain and submit with the application, copies of any recent non-VA medical records that could help VA understand the current severity of the veteran's medical impairments.

**Higher non-service connected pension allowances are also paid when veterans are either housebound or in need of aid and attendance from another person because of disability.** The disability requirement for special monthly pension (SMP) aid and attendance benefits is assumed if the veteran is a patient in a nursing home, *but residency in assistant living facilities do not automatically meet the SMP disability requirement.* To apply when the veteran is a nursing home patient, a letter from the nursing home noting when the veteran became their patient and stating the cost of nursing home care should also accompany the veteran's application (VA Form 21-527EZ) for pension benefits. The nursing home letter should also note if Medicaid is paying the veteran's nursing home expenses, and, if so, when Medicaid started paying those expenses. The nursing home may also supply this information using a VA Form 21-0779.

If the veteran is not a nursing home patient but otherwise thought eligible for SMP, the veteran may apply for the additional allowance by having a doctor complete a VA form 21-2680. The VA form 21-2680 should also accompany the application for non-service connected pension benefits (VAF 21-527EZ).

Periodically, you will find a veteran receiving a pension benefit from one of the prior VA programs in which the monthly rate has been "Frozen" at the rate payable when the veteran decided to remain on the old pension program instead of switching to VA's new "Improved pension" program. The veteran would have done this because the old pension program paid more than what he or she would have received by participating in the improved pension program. Veterans may choose to switch to the improved pension program at anytime, but once veterans opt to switch and cash the first improved pension benefit check they cannot later return to the old pension program. Because of the complexity of these cases, service officers should consult with an American Legion Department Service Officer before advising a veteran to switch pension programs.

A veteran might meet the eligibility requirements for both a non service-connected pension and VA disability compensation; however, regulations restrict concurrent payment of both benefits. Veterans are entitled to only the higher of these two VA benefits. Unlike the restrictions associated with switching between non service-connected pension programs, the veteran may opt to return to VA compensation at any time if doing so would pay more than remaining on a non service connected pension. The VA should automatically return the veteran's compensation benefit if it would pay more than the non-service connected pension entitlement.

Some veterans believe if they choose to receive the non-service connected pension they will lose other entitlements associated with receiving disability compensation benefits. Their beliefs are unfounded. Veterans continue to receive all entitlements associated with their service-connected status even though they may choose to receive a non-service connected pension that sometimes could pay a higher monthly benefit.

## **DEATH INDEMNITY COMPENSATION (DIC)**

Dependency and Indemnity Compensation (DIC) is a tax free monetary benefit paid to eligible survivors of military service members who died in the line of duty or eligible survivors of Veterans whose death resulted from a service-related injury or disease.

### **Eligibility (Surviving Spouse):**

To qualify for DIC, a surviving spouse must meet the requirements below.

The surviving spouse was:

- Married to a Service member who died on active duty, active duty for training, or inactive duty training, **OR**
- Validly married the Veteran before January 1, 1957, **OR**
- Married the Veteran within 15 years of discharge from the period of military service in which the disease or injury that caused the Veteran's death began or was aggravated, **OR**
- Was married to the Veteran for at least one year, **OR**
- Had a child with the Veteran, **AND**
- Cohabited with the Veteran continuously until the Veteran's death or, if separated, was not at fault for the separation, **AND**
- Is not currently remarried

Note: A surviving spouse who remarries on or after December 16, 2003, and on or after attaining age 57, is entitled to continue to receive DIC.

### **Eligibility (Surviving Child):**

- Not included on the surviving spouse's DIC, **AND**
- Unmarried, **AND**
- Under age 18, or between the ages of 18 and 23 and attending school.

### **Evidence Required:**

Listed below are the evidence requirements for this benefit:

- The Service member died while on active duty, active duty for training, or inactive duty training, **OR**
- The Veteran died from an injury or disease deemed to be related to military service, **OR**
- The Veteran died from a non-service-related injury or disease, but was receiving, **OR** was entitled to receive, VA Compensation for service-connected disability that was rated as totally disabling
  - For at least 10 years immediately before death, **OR**
  - Since the Veteran's release from active duty and for at least five years immediately preceding death, **OR**
  - For at least one year before death if the Veteran was a former prisoner of war who died after September 30, 1999

In order to apply for this benefit a VA FORM 21-534 <http://www.vba.va.gov/pubs/forms/VBA-21-534-ARE.pdf> is required. One must prove marriage to the veteran for the duration of 10 years, or show they resided in the same location previous to marrying if married for less than 10 years. The obtainment of this benefit the first time one applies is very meticulous and is not recommended to be completed by a PSO and encouraged to contact an accredited representative.

## **SURVIVORS (WIDOWS) PENSION**

The Survivors Pension benefit, which may also be referred to as Death Pension, is a tax-free monetary benefit payable to a low-income, un-remarried surviving spouse and/or unmarried child, or children, of a deceased Veteran with wartime service.

### **Eligibility (Surviving Spouse):**

The deceased Veteran must have met the following service requirements:

- For service on or before September 7, 1980, the Veteran must have served at least 90 days of active military service, with at least one day during a war time period.
- If he or she entered active duty after September 7, 1980, generally he or she must have served at least 24 months or the full period for which called or ordered to active duty with at least one day during a war time period.
- Was discharged from service under other than dishonorable conditions.

Survivors Pension is also based on your yearly family income which must be less than the amount set by Congress to qualify.

While an un-remarried spouse is eligible at any age, a child of a deceased wartime Veteran must be:

- Under 18, **OR**
- Under age 23 if attending a VA-approved school, **OR**
- Permanently incapable of self-support due to a disability before age 18

There are many ways to reduce a surviving spouse's income, especially if he/she is ill. Unreimbursed medical expenses (anything not reimbursed by an insurance company or government entity) qualifies as such (dental, over the counter, mileage to and from doctor visits, medication, absorbent materials, etc.). The annual yearly family income must be less than the amount set by Congress to qualify for the Survivors Pension benefit. This is the poverty rate threshold established by government and can be found <https://www.census.gov/hhes/www/poverty/data/threshld/>.

This benefit too is very meticulous and requires an extensive amount of medical evidence and VA FORMS, for example:

21-22 Appointment of Veteran Service Organization (new to claimant)  
21-534 Application for Survivors Pension  
21-2680 Application for Aid & Attendance or Housebound Criteria  
21p-8416 Medical Expense Report  
Attendant Affidavit (if receiving assistance from a paid provider)  
Marriage Certificate (divorce decrees from both veteran and surviving spouse if previously married)  
DD-214  
Death Certificate  
21-530 Application for Burial Benefits

It is always encouraged the PSO reach out to the accredited service officer to ensure understanding of the details of this type of claim. We ask that you guide the surviving spouses and widows to the nearest CVSO or DSO with The American Legion because she may be eligible for assistance from the county if the death is recent. It is always a benefit to be able to help the surviving spouses because they are not always familiar with the acronyms and process within the government and military systems.

### **American Legion Emblem Inscription on Grave Markers**

Authorization is necessary from The American Legion National Adjutant before placing an American Legion emblem on a Legionnaire's grave marker. Family members interested in having the Legion emblem placed on the deceased Legionnaire's grave marker may initiate the request by contacting the Post Adjutant at the deceased member's last post. After obtaining the necessary information, the Post Adjutant forwards it to the Department Adjutant who then forwards an official authorization request to the National Adjutant. Further details concerning this subject are available at The American Legion Department Headquarters or Service Office.

### **Nationwide Gravesite Locator**

The burial locations of veterans and their family members in VA National Cemeteries, state veterans cemeteries, various other military and Department of Interior cemeteries may now be accessed through the Nationwide Gravesite Locator. Gravesites in private cemeteries marked with a government furnished headstone or marker since 1997 may also be located. Go to: <http://gravelocator.cem.va.gov>.

### **Military Funeral Honors**

Effective from January 1, 2000, law requires the Department of Defense (DOD) to provide military funeral honors to eligible veterans upon request of the veteran's family. This service is arranged with DOD by responsible funeral directors through a toll free telephone number. The basic military honor consists of the folding and presentation of the flag and playing of taps. A funeral honors detail consists of two or more uniformed members of the armed forces, with at least one member from the service in which the deceased veteran served. DOD had provided registered funeral homes a military funeral honors kit and information on how to contact the appropriate military organization to perform the honors ceremony. DOD recorded and distributed a "Military Honors" video to highlight an appropriate honors ceremony. DOD has also recorded a video on how Veterans Service Organizations and military representatives can provide joint honors ceremonies. DOD also should soon publish regulations concerning reimbursement to Veterans Service Organizations in joint honor ceremonies.

Questions or comments concerning the DOD military funeral honors program may be sent to the address listed below. A military funeral honors web site is located at <https://www.dmdc.osd.mil/mfh/>

Department of Defense  
Directorate for Public Inquiry and Analysis  
Room 3A750, The Pentagon  
Washington, DC 20301-1400

American Legion Service Officers having questions concerning any burial benefits should also not hesitate to contact the American Legion Department Service Office for assistance to include the Military Funeral Honors detail at the Post/District levels.

**Links to:**  
**Federal Benefits for Veterans Dependents and Survivors,**  
**VA Health Care Benefits Overview, and**  
**State of Ohio Veterans Benefits**

Please use this link for accessing the online edition of the 2014 **Federal Benefits for Veterans Dependents and Survivors:** [http://www.va.gov/opa/publications/benefits\\_book.asp](http://www.va.gov/opa/publications/benefits_book.asp)

Please use the following link to access 2014 **VA Health Care Benefits Overview:**  
[http://www.va.gov/healthbenefits/resources/publications/IB10-185\\_VA\\_Health\\_Care\\_Benefits\\_Overview\\_2014\\_Eng.pdf](http://www.va.gov/healthbenefits/resources/publications/IB10-185_VA_Health_Care_Benefits_Overview_2014_Eng.pdf)

Once you have read the federal benefits information, use the following link to obtain information concerning **State of Ohio Veterans Benefits:**  
<http://dvs.ohio.gov/>

**National Archives** at St. Louis Veterans Service Officers Information Page:  
<http://www.archives.gov/>

**TOPIC 6**

**DEPARTMENT**

**OF**

**VETERANS**

**AFFAIRS**

**APPEALS PROCESS**

## Appealing Medical Decisions

Veterans being denied medical care or medical benefits for which they believe they are eligible, should immediately contact the Patient Advocate representative at the VA Medical Center. If the VA Patient Advocate fails to resolve the problem, the veteran should then contact The American Legion Department Service Office. Please keep in mind this doesn't mean we are able to get the veteran treatment or a medical bill paid. Simply, if the veteran does not understand what the Patient Advocate is describing to him/her or believes to be unfair, with a 21-22 (*Appointment of a Veteran Service Organization as Representation*) we can then intervene to better help understand the situation or clarify the issues to the Patient Advocate representative at the VHA facility. There is also a directive of VHA Clinical Appeals at the following link:

[http://www.va.gov/vhapublications/ViewPublication.asp?pub\\_ID=1494](http://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=1494)

The American Legion cannot dictate the type of medical care a VA physician should provide, such as, medication used, dosage of medication prescribed, which medical procedures are necessary, etc.; however, The American Legion can assist veterans with obtaining all medical care benefits for which they are statutorily entitled.

The American Legion can also assist the patient in asking for a clinical review of medical treatment determinations subject to review by other VA medical professionals including the Chief Medical Director at the VA Veterans Integrated Service Network (VISN) Office. Most VA Medical Centers now have a Disability Benefits Questionnaire Clinic (DBQ) and the veteran does not have to file a claim to get re-evaluated for his/her service connected condition but can, with the assistance of the service officer, make an appointment with the DBQ clinic to determine whether or not their symptoms have worsened which could result in the filing of a claim for increase, or clarification of a secondary condition.

***Veterans Healthcare Choice Cards:*** The Access, Choice and Accountability Act of 2014 signed into law by the president on August 7, 2014 establishes a special \$10 billion Veterans Choice Fund. Over the next three years, VA is to use the fund as needed to buy care from non-VA care providers for veterans if they face long waits for VA care – defined initially as more than 30 days – or if they reside more than 40 miles from VA care. The hurdles to gain easy access to non-VA care, however, go beyond how far veterans reside from a VA clinic or how long their wait for care. Veterans must have also enrolled in VA health care by Aug. 1, 2014 or, if they enroll later, they must have served on active duty in a theater of combat operations within five years of enrolling. VA is mandated to issue these cards to enrolled veterans within 90 days of enactment of the law. Learn more about how the Veterans Choice Card will work at: [www.va.gov/opa/choiceact/factsheets\\_and\\_details.asp](http://www.va.gov/opa/choiceact/factsheets_and_details.asp) or [www.legion.org/legislative/qa](http://www.legion.org/legislative/qa)

Recently this benefit was amended to help those veterans who live within the “crows fly” of 40 miles but in all actuality, the distance by vehicle is more than 40 miles. Please stay tuned for this amendment.



## VA Benefit Appeals

When a VA Regional Office or VA Medical Center makes a benefits decision, that decision is referred to as a decision from the "Agency of Original Jurisdiction" (AOJ). Most AOJ decisions except medical treatment plan determinations are subject to appeal at the claimant's initiative. Because of the complexity of VA statutes, regulations, and operating policies, AOJ decisions are not always correct. Claimants who have received unfavorable AOJ decisions and who believe they are rightfully entitled to the benefits they are seeking should, therefore, appeal.

All VA claimants should assign an accredited veterans service organization, such as, The American Legion, to represent them before the Department of Veterans Affairs (VA). This is especially true if an appeal is contemplated. The American Legion Department Service Office would not only provide advice on how to initiate an appeal and develop supporting evidence, but will also provide representation and guidance at appeal hearings and formulate formal appeal statements on the claimant's behalf. This often proves very beneficial to the appellant. American Legion Department Service Officers work in the veterans benefits business full time, continuously study VA law and regulations, usually have years of experience, and regularly attend training seminars and classes offered through the American Legion National Headquarters and the National Veterans Legal Services Program. Indeed, attempting to appeal a VA decision without the services of an accredited veterans' service organization representative would be much like attempting to win an appeal in court without an attorney.

After obtaining representation, the first step in initiating the VA administrative appeal process is to file a Notice of Disagreement. A Notice of Disagreement must now be filed on the proper VA FORM 21-0958 <http://www.vba.va.gov/pubs/forms/VBA-21-0958-ARE.pdf>. This form is specific for noting the issues that the claimant wants to appeal. The VA will no longer accept appeals requests on any other form. **Service officers, accredited and non-accredited, should get used to using and advising veterans to use the VA Form 21-0958 for filing Notices of Disagreement.**

Veterans should also be advised to seek the help of a professional county or American Legion Department Service Officer for completion of a the new VA Notice of Disagreement Form – VAF 21-0958 -- since making what seems to be small errors could cause further problems with the appeal. For instance, the VA Form 21-0958 asks if the appellant wants a call back from a “representative at your local VA regional office.” What VA means by this is that one of VA’s *representatives* will call the veteran – not the veteran’s chosen service organization’s accredited representative. This may cause the veteran to unknowingly give VA information that might harm or slow the appeal. Claimant’s wanting to talk with someone about their appeal should never talk directly with a VA person without the advice or assistance of their chosen Veterans Service Organization accredited representative.

The Notice of Disagreement should also inform VA if the appellant would like a Decision Review Officer (DRO) review. This is a process between VA’s official decision notification letter and the VA Statement of the Case (SOC). A DRO review is usually recommended because it allows VA to review the case and revise the decision if necessary before sending the claimant a Statement of the Case. The claimant has only 30 days from the date of the VA notification letter to ask for a DRO review. Asking for a DRO review is optional, but a Notice of Disagreement must be filed within one year after the date of VA's official letter of notification or the claimant forfeits his or her right to appeal.

Once the Agency of Original Jurisdiction (AOJ) receives the Notice of Disagreement, the VA will review the case again through a de novo process and assist with the development of additional evidence if thought necessary. If the VA confirms their previous denial of benefits, VA will send the claimant a Statement of the Case (SOC). The SOC should give a detailed explanation of VA's decision including facts and evidence considered, applicable laws and regulations, and a discussion as to why relevant facts and evidence combined with regulation and law resulted in denial of the benefits sought.

With the Statement of the Case, the claimant will receive a Substantive Appeal form, VA form 9. If the claimant wants to continue the appeal after reading the SOC, he or she must complete, sign, and return the VA form 9 within **60** days after the mailing of the SOC or the remainder of the one year period from the AOJ's mailing of its original decision, whichever is later. On the VA form 9, the appellant should list the issues he or she wants to appeal to the Board of Veterans Appeals (BVA). Appellants should also note in their own words (or with the assistance of their representative) on the VA form 9, why they believe entitlement to the benefits sought is warranted. We recommend and suggest this process also be done by an accredited service officer.

The VA form 9 will also ask if the appellant wants a personal hearing before a member of the Board of Veterans Appeals (BVA). Since it sometimes requires several months to schedule BVA hearings and more than a year to obtain a BVA decisions, the American Legion Department Service Office advises appellants to request a hearing at the local VA Regional Office before the Hearing Officer in lieu of a personal hearing before a member of the BVA. A Hearing Officer hearing can normally be scheduled within a few weeks, and a Hearing Officer decision is usually rendered much sooner than a decision following a BVA hearing. If the Hearing Officer's decision is not favorable, the claimant will still have an opportunity to have the appeal reviewed by the BVA in Washington, DC. Claimants may also now ask for a BVA videoconference hearing. BVA videoconference hearings can usually be scheduled sooner than either a BVA traveling board hearing or a BVA hearing in Washington DC. We still, though, do not normally recommend a BVA videoconference hearing since it removes the review of the local hearing officer and a decision is usually not made for many months after the BVA videoconference hearing. A personal appearance before either the BVA or the Hearing Officer is not required for the appeal to continue, but is a right for which the claimant may request. The claimant's assigned accredited representative will assist at the VA hearing if one is requested.

The filing of VA Form 9 puts the VA regional office on notice that the appellant wants a Board of Veterans Affairs decision if the appeal is not resolved in the appellant's favor at the regional office or by the Agency of Original Jurisdiction (AOJ). If the issues are not resolved in the claimant's favor at the Agency of Original Jurisdiction, the accredited representative will review the evidence of record once again and provide a formally written appeal statement on the claimant's behalf prior to the case being sent to the BVA in Washington, DC. Once the case is received in Washington, DC, an American Legion National Appeals Officer will present the case to the Board.

The Board of Veterans Appeals can remand the case for further development, affirm the AOJ's denial, or grant the issue or issues on appeal. For a short time, the BVA could develop cases to find additional evidence. A precedent court decision no longer permits BVA to develop cases. BVA is an appellant body that cannot make original decisions. BVA may, however, remand the case for further development to a special office in Washington DC instead of having the case returned to the AOJ for further development. The DC claims development office (Appeals Management Center) would then collect the additional evidence and either grant the case or issue a Supplemental Statement of the Case explaining why that office failed to grant the issue or issues on appeal. The denied issue would then be returned to the BVA for its review and final VA decision. BVA's decision is the final VA decision.

If the case is denied at the BVA, a claimant has only 120 days to file a Notice of Appeal with the United States Appeals Court for Veterans Claims. The American Legion does not normally provide representation before the Court, and the Court does not accept all cases unless they are persuaded that the BVA possibly made an error that might have changed the outcome of the case. Appellants are therefore advised to obtain the services of an attorney if they wish to appeal to the United States Appeals Court for Veterans Claims. The Veterans Consortium Pro Bono Program is a great resource for claims having to go to the Court of Appeals for Veterans Claims (CAVC) <http://www.vetsprobono.org/veterans-family-members/useful-links/>.

In lieu of an appeal to the United States Appeals Court for Veterans Claims, claimants may reopen previously denied claims by submitting new and material evidence to the Agency of Original Jurisdiction. Evidence is considered new if not previously considered by the VA, and material if it presents a reasonable possibility of a valid claim.

Claimants should always work through the Service Office of their assigned accredited service organization when dealing with the VA, especially when an appeal is being initiated or processed. This would be the American Legion Department Service Office if the American Legion were the veteran's "Power of Attorney" for VA purposes. The VA limits claimants to only one Power of Attorney, but claimants may also assign a County or Post Service Officer to assist them with the development of their case and communicate with the claimant's Power of Attorney.

Link to How Do I appeal Pamphlet: <http://www.bva.va.gov/docs/Pamphlets/010202A.pdf>

## Waivers and Compromises

The Department of Veterans Affairs (VA) will sometimes pay more VA benefits than claimants are entitled. This happens most often in income base benefit programs such as VA non-service connected disability pension and survivors benefits. VA overpayments are usually the result of claimants misreporting or not reporting countable income for VA benefit purposes. Overpayments and VA debts can though, also occur in other VA benefit programs for different reasons, such as, a VA guaranteed home loan default. When a VA overpayment or debt is charged, the VA will expect and request payment. If good cause is shown, beneficiaries may request and receive waiver of such debts and overpayments.

Debts and overpayments may also result from VA errors, and it is important to distinguish what caused those debts or overpayments before waiver requests are made. If it's determined that a VA debt or overpayment was the result of a VA administrative error, the debt or overpayment will be erased as if it never occurred. The same is not true in case of a waiver. The debt need not be repaid if a VA waiver is granted, but taxes may still be owed on the amount waived and other VA benefit programs may be affected. For instance, a waiver of a VA education assistance overpayment will reduce future VA education assistance benefits, and a waiver of a home loan debt will prevent future entitlement to a VA guaranteed home loan until the debt is repaid in full. Also, a waiver of a VA debt does not prevent record of loan defaults from appearing on credit reports. Claimants should therefore file a Notice of Disagreement with the creation of the debt in addition to a waiver request if they believe a VA administrative error may have caused the debt. A VA form 21-4138 or any other stationary may be used for filing a Notice of Disagreement. If a claimant believes a VA debt was created unjustly, the claimant only has one year to file after receipt of the VA's official letter of debt notification.

The VA will consider granting a waiver upon request only if the claimant did not intentionally misrepresent himself or herself or try to defraud the government. Fault on the beneficiary's part no longer bars VA consideration of a waiver, but the degree of fault is for consideration as well the claimant's ability to pay. A request for a waiver may be made on a VA FORM 5655 *Financial Status Report* <http://www.va.gov/vaforms/va/pdf/VA5655.pdf>. The claimant should make it absolutely clear that he or she is requesting a waiver, Compromise, or Payment Plan to include explanation of income and whether or not he or she had little or no fault in the debt's creation, and note that payment would create a "Severe financial hardship." To show evidence of financial hardship, a completed and signed VA Form 5655 (Financial Status Report) should also accompany the waiver request.

Beneficiaries have only **180** days to file waiver requests following official notification of the VA pension, compensation, or education overpayments. Also, only 180 days is allowed to file a request for waiver of VA Medical Center debts, such as, waiver of \$8.00 (or \$9:00) co-payment charges. Unlike other waiver requests, up to one year after official notification is allowed for filing requests for waiver of VA home loan debts.

VA may also accept a compromise offer if successful collection of the entire debt is thought improbable. A compromise offer should consist of a written statement from the claimant indicating how a partial lump sum payment could be made now if the balance of the debt is forgiven. The claimant should also note the amount of the compromise offer, and why payment of the full debt would most likely prove impossible. A VA Form 5655 should also be supplied with the written compromise request. A refused compromise offer is not appealable, but VA will consider subsequent compromise offers made in good faith.

Service Officers having questions concerning VA waivers or compromises are encouraged to contact the American Legion Department Service Office.

## **The Combined Rating Schedule and Rate Charts**

Veterans often have more than one service connected disability. If VA would simply "add" together each disability rating, some veterans would receive a total disability rating equaling more than 100%. For instance, a veteran's disability rating would total 120% if he or she has individual ratings of 60%, 30%, and 30%. Because VA believes no one can be more the 100 percent disabled (except in special monthly compensation cases), VA does not find the "combined rating" by adding together each individual compensation rating. Instead, VA uses its Combined Rating Table.

You will find a copy of the Combined Rating Table on the following pages. It uses the 100% able-bodied person concept. Meaning that if a person has no disabilities, he or she is 100% able-bodied. If though that person has a 60% disability, he or she is only 40% able-bodied ( $100 - 60 = 40$ ). If that person then has another separate disability rating (say 30 percent), that 30 percent would no longer be combined from a 100% able-bodied person but only a 40% able-bodied person (30% of 40 equal 12%). The combined rating at that time would be 72% ( $60 + 12 = 72$ ). Then say the same person has another separate disability rating at 30%. VA would then calculate 30% of a 28% able-bodied person ( $100\% \text{ able-bodied} - 72 = 28$ ). 30 percent of 28 would then equal 8.4%. Then the VA would subtract 8.4% from the 28 to find that the person is now only 19.6% able bodied, rounded to 20% able-bodied (VA rounds to the nearest number divisible by 10). Finally in this example, VA subtracts the 20% remaining able-bodied person from the beginning 100% able-bodied person to show a final combined rating of 80%. The easiest way to calculate the combined rating is to use the VA Combined Rating Table. To use the table, you start with intersecting the highest disability rating and then work your way down to the lowest disability rating.

Using the Combined Rating Table can become very complicated due to other rules such as bilateral factor and the amputation rule. You may therefore want to contact the American Legion Service Office if the veteran's combined rating that you calculate does not equal the same combined rating VA calculated. Also, more information about the Combined Rating Table and bilateral factors may be found in part 4 of 38 Code of Federal Regulations, paragraph 25 and 26.

The dollar amount of the veteran's monthly compensation benefit can be found by comparing the rating or combined rating with the compensation rate chart. If a veteran has a disability rating of 30% more, he or she will be entitled to dependency allowance. The amount of his or her compensation benefits can therefore be found by intersecting the row showing the dependency status (V = veteran, S = spouse, C = child, P = dependent parent) with the column showing the veteran's disability rating or combined disability rating. Also, additional dependency allowances are usually paid to veterans with a child over 18 but under 23 still attending school, or when the veteran has a spouse meeting the requirements for Aid and Attendance.

VA non-service connected pension rates may be found by using the pension rate chart. The rate paid will be based upon the type of pension the person is entitled (improve, section 306, old law, or a type of survivor's pension). The number of dependence is also a factor in calculating non-service connected pension rates. Unlike compensation rates, non-service connected pension rates are reduced by the claimant's income received from other sources.

You may access the VA Combined Rating Table at:  
<http://www.purpleheart.org/ServiceProgram/Training2009/Wed%20PM%20Matuszak%203%20VA%20Math.pdf>

You may access VA compensation rate charts at:  
<http://www.vba.va.gov/bln/21/Rates/>

Both, compensation rates and pension rates normally change on December 1st of each year due to cost-of-living adjustments (COLAs). Since VA pays benefits a month behind, COLA increases are not actually paid until the first benefit payment made in January.

# APPENDICES



## **OTHER RESOURCES**

### 38 Code of Federal Regulations

Available for review at local public or law libraries.

For sale by the U.S. Government Printing Office.

<http://vbaw.vba.va.gov/bl/21/publicat/Regs/Part3/Toc02.htm>

<http://vbaw.vba.va.gov/bl/21/publicat/Regs/Part3/Toc02.htm>

### 38 United States Code

Available for review at local public or law libraries.

For sale by the U. S. Government Printing Office.

<http://www.gpo.gov/fdsys/pkg/CPRT-112HPRT65875/pdf/CPRT-112HPRT65875.pdf>

### The National Veterans Legal Services Veterans Benefits Manual

Available at cost from the National Veterans Legal Services Project.

<http://www.nvlsp.org/>

### West's Veterans Appeals Reporter

This is a set of books used to record Court of Veterans Appeals Cases.

They are available for review at law libraries.

### CHAMPUS Handbook

Available from CHAMPUS Public Affairs Branch

Aurora, CO 80045-6900

.

## **OTHER RESOURCES**

The American Legion Department of Ohio Service and Rehabilitation Office

1240 E. 9<sup>th</sup> Street, Room 923

Cleveland, Ohio 44199

Phone Number: (216) 522-3504, FAX (216) 522-3233

[al.vbacle@va.gov](mailto:al.vbacle@va.gov)

Suzette Price, Service Director [suzette.price@va.gov](mailto:suzette.price@va.gov), [price@ohiolegion.com](mailto:price@ohiolegion.com)

Will Brown, Supervisor, [will.brown@va.gov](mailto:will.brown@va.gov)

George Smith, DSO [George.smith@va.gov](mailto:George.smith@va.gov)

Michael Sutton, DSO [michael.sutton2@va.gov](mailto:michael.sutton2@va.gov)

Michelle Jones, Admin [michelle.jones6@va.gov](mailto:michelle.jones6@va.gov)

Bianca Campbell, Admin [Bianca.campbell@va.gov](mailto:Bianca.campbell@va.gov)

The American Legion Cincinnati VAMC: 3200 Vine Street, Room B148a, Cincinnati Ohio 45220

Terri Croswait: Phone: (513) 475-6440; FAX: (513) 475-6557 [terri.croswait@va.gov](mailto:terri.croswait@va.gov)

The American Legion Dayton VAMC: 4100 W. Third Street, Room 1D-145e, Dayton, Ohio 45428

Karla Boehm: Phone: (937) 268-6511 x2967; Fax: (937) 267-7605 [karla.boehm@va.gov](mailto:karla.boehm@va.gov)

The American Legion Toledo CBOC: 1200 S. Detroit Ave, Toledo Ohio 43614

Pat Grzybowski: Phone: (419) 213-7518; Fax (419) 213-7617 [pjski@accesstoledo.com](mailto:pjski@accesstoledo.com)

The American Legion Cleveland VAMC: 10701 East Blvd, Room 1B-417, Cleveland Ohio 44106

Clarence Garsee: Phone: (216) 791-3800 x4155, Fax: (216) 707-5948 [clarence.garsee@va.gov](mailto:clarence.garsee@va.gov)

The American Legion Department of Ohio State Headquarters

Roger Hight, Department Adjutant

60 Big Run Road, Delaware, Ohio 43015

(P)740-362-7478 FAX: 740-362-1429

The American Legion National Headquarters

700 North Pennsylvania Street

Phone Number: (317) 630-1200

The Department of Veterans Affairs

VA Regional Office, Cleveland

1240 E. 9<sup>th</sup> Street

Cleveland, Ohio 44199

Phone: 1-800-827-1000

Ohio Department of Veteran Services

77 South High Street, 7<sup>th</sup> Floor

Columbus, Ohio 43215

Phone Number: (614) 644-0898, FAX (614) 387-7317

U. S. Government Printing Office

Superintendent of Documents

Mail Stop: SSOP

Washington, DC. 20402-9328

National Veterans Legal Services Project

2001 S. Street NW, Suite 610

Washington, DC. 20009

## Web Site Resources

Center for Minority Veterans <http://www1.va.gov/centerforminorityveterans/>  
Center for Women Veterans <http://www1.va.gov/womenvet/>  
Compensation Rate Tables, 12-1-03 <http://www.vba.va.gov/bln/21/Rates/comp01.htm>  
Department of Veterans Affairs Home Page <http://www.va.gov/>  
Directory of Veterans Service Organizations <http://www1.va.gov/vso/index.cfm?template=view>  
Disability Examination Worksheets Index, Comp  
<http://www.vba.va.gov/bln/21/Benefits/exams/index.htm>  
Electronic Code of Federal Regulations <http://www.gpoaccess.gov/ecfr/>  
Emergency, Non-emergency, and Fee Basis Care <http://www.nonvacare.va.gov/>  
Environmental Agents <http://www1.va.gov/environagents/>  
EVALUATION PROTOCOL FOR GULF WAR AND IRAQI FREEDOM VETERANS WITH  
POTENTIAL EXPOSURE TO DEPLETED URANIUM (DU)  
<http://www1.va.gov/gulfwar/docs/DUHandbook1303122304.DOC> and  
[http://www1.va.gov/vhapublications/ViewPublication.asp?pub\\_ID=1158](http://www1.va.gov/vhapublications/ViewPublication.asp?pub_ID=1158)  
See also, Depleted Uranium Fact Sheet  
<http://www1.va.gov/gulfwar/docs/DepletedUraniumFAQSheet.doc>  
EVALUATION PROTOCOL FOR NON-GULF WAR VETERANS WITH POTENTIAL  
EXPOSURE TO DEPLETED URANIUM (DU)  
<http://www1.va.gov/gulfwar/docs/DUHANDBOOKNONGW130340304.DOC>  
Forms and Records Request <http://www.va.gov/vaforms/>  
Geriatrics and Extended Care <http://www1.va.gov/geriatricsshq/>  
Guide to Gulf War Veteran's Health <http://www1.va.gov/gulfwar/docs/VHlgulfwar.pdf>  
Gulf War Subject Index <http://www1.va.gov/GulfWar/page.cfm?pg=7&template=main&letter=A>  
Gulf War Veteran's Illnesses Q&As <http://www1.va.gov/gulfwar/docs/GWIllnessesQandAsIB1041.pdf>  
Hearings  
[http://www.warms.vba.va.gov/admin21/m21\\_1/mr/part1/ch04.doc](http://www.warms.vba.va.gov/admin21/m21_1/mr/part1/ch04.doc)  
Homeless Veterans <http://www1.va.gov/homeless/>  
HSR&D Home <http://www.hsrd.research.va.gov/>  
Index to Disability Examination Worksheets C&P exams  
<http://www.vba.va.gov/bln/21/benefits/exams/index.htm>  
M21-1 Table of Contents [http://www.warms.vba.va.gov/M21\\_1.html](http://www.warms.vba.va.gov/M21_1.html)  
Mental Disorders, Schedule of Ratings  
[http://www.warms.vba.va.gov/regs/38CFR/BOOKC/PART4/S4\\_130.DOC](http://www.warms.vba.va.gov/regs/38CFR/BOOKC/PART4/S4_130.DOC)  
Mental Health Program Guidelines  
[http://www1.va.gov/vhapublications/ViewPublication.asp?pub\\_ID=1094](http://www1.va.gov/vhapublications/ViewPublication.asp?pub_ID=1094)  
My Health e Vet <http://www.myhealth.va.gov/>  
[NASDVA.COM](http://NASDVA.COM) <http://nasdva.com/>  
National Association of State Directors <http://www.nasdva.com/>  
Neurological Conditions and Convulsive Disorders, Schedule of Ratings  
<http://www.warms.vba.va.gov/regs/38cfr/bookc/part4/s4%5F124a.doc>  
Parkinson's Disease and Related Neurodegenerative Disorders  
<http://www1.va.gov/resdev/funding/solicitations/docs/parkinsons.pdf>  
Peacetime Disability Compensation [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse\\_usc&docid=Cite:+38USC1131](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+38USC1131)  
Prosthetics Eligibility [http://www1.va.gov/vhapublications/ViewPublication.asp?pub\\_ID=337](http://www1.va.gov/vhapublications/ViewPublication.asp?pub_ID=337)  
Publications Manuals <http://www1.va.gov/vhapublications/publications.cfm?Pub=4>

Research Advisory Committee on Gulf War Veterans Illnesses April 11, 2002 [http://www1.va.gov/rac-gwvi/docs/Minutes\\_April112002.doc](http://www1.va.gov/rac-gwvi/docs/Minutes_April112002.doc)

Research Advisory Committee on Gulf War Veterans Illnesses  
[http://www1.va.gov/rac-gwvi/docs/ReportandRecommendations\\_2004.pdf](http://www1.va.gov/rac-gwvi/docs/ReportandRecommendations_2004.pdf)

Title 38 Index Parts 0-17

[http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=1b0c269b510d3157fbf8f8801bc9b3dc&c=ecfr&tpl=/ecfrbrowse/Title38/38cfrv1\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=1b0c269b510d3157fbf8f8801bc9b3dc&c=ecfr&tpl=/ecfrbrowse/Title38/38cfrv1_02.tpl)

Part 18

[http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=1b0c269b510d3157fbf8f8801bc9b3dc&c=ecfr&tpl=/ecfrbrowse/Title38/38cfrv2\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=1b0c269b510d3157fbf8f8801bc9b3dc&c=ecfr&tpl=/ecfrbrowse/Title38/38cfrv2_02.tpl)

Title 38 Part 3 Adjudication Subpart A "Pension, Compensation, and Dependency and Indemnity Compensation [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=1b0c269b510d3157fbf8f8801bc9b3dc&tpl=/ecfrbrowse/Title38/38cfr3\\_main\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=1b0c269b510d3157fbf8f8801bc9b3dc&tpl=/ecfrbrowse/Title38/38cfr3_main_02.tpl)

Title 38 Pensions, Bonuses & Veterans Relief (also § 3.317 Compensation for certain disabilities due to undiagnosed illnesses found here) [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=1b0c269b510d3157fbf8f8801bc9b3dc&tpl=/ecfrbrowse/Title38/38cfr3\\_main\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=1b0c269b510d3157fbf8f8801bc9b3dc&tpl=/ecfrbrowse/Title38/38cfr3_main_02.tpl)

Title 38 PART 4--SCHEDULE FOR RATING DISABILITIES Subpart B--DISABILITY RATINGS  
<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=ab7641afd195c84a49a2067dbbcf95c0&rgn=div6&view=text&node=38:1.0.1.1.5.2&idno=38>

Title 38 § 4.16 Total disability ratings for compensation based on unemployability of the individual. PART 4 "SCHEDULE FOR RATING DISABILITIES Subpart A "General Policy in Rating <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=1b0c269b510d3157fbf8f8801bc9b3dc&rgn=div8&view=text&node=38:1.0.1.1.5.1..96.11&idno=38>

U.S. Court of Appeals for Veterans Claims <http://www.uscourts.cavc.gov/>

VA Best Practice Manual for Posttraumatic Stress Disorder (PTSD)

<http://www.avapl.org/pub/PTSD%20Manual%20final%206.pdf>

VA Loan Lending Limits and Jumbo Loans [http://valoans.com/va\\_facts\\_limits.cfm](http://valoans.com/va_facts_limits.cfm)

VA National Hepatitis C Program <http://www.hepatitis.va.gov/>

VA Office of Research and Development <http://www1.va.gov/resdev/>

VA Trainee Pocket Card on Gulf War <http://www.va.gov/OAA/pocketcard/gulfwar.asp>

VA WMD EMSHG <http://www1.va.gov/emshg/>

Vet Center Eligibility - Readjustment Counseling Service <http://www.va.gov/rcs/Eligibility.htm>

Veterans Benefits Administration Main Web Page <http://www.vba.va.gov/>

Veterans Legal and Benefits Information <http://valaw.org/>

VHA Forms, Publications, Manuals <http://www1.va.gov/vhapublications/>

VHA Public Health Strategic Health Care Group Home Page <http://www.publichealth.va.gov/>

Vocational Rehabilitation <http://www.vba.va.gov/bln/vre/>

VONAPP online <http://vabenefits.vba.va.gov/vonapp/main.asp>

WARMS - 38 CFR Book C <http://www.warms.vba.va.gov/bookc.html>

Wartime Disability Compensation [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse\\_usc&docid=Cite:+38USC1110](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+38USC1110)

Welcome to the GI Bill Web Site <http://www.gibill.va.gov/>