



Basic Service Officer Training Class

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INSTRUCTIONS



- Beginning 1 September 2022 the Basic Service Officer Training Class will no longer be presented in a classroom setting
- The classroom portion of the training will be available on the Department Website (http://valegion.org/?page_id=876)
- After completing the class, download and take the test
- Complete the Request for Certification and give it and the completed test to the Post Commander or Adjutant
- The Post Commander or Adjutant will sign and forward the request and completed test to Department Headquarters



CERTIFICATION



- The applicant agrees to work at the next Claims Clinic in his/her region within six (6) months of completing the online class
- The claims clinic provide hands on experience working claims with experienced Accredited Service Officers on hand to answer questions and guidance
- Participation at the claims clinic and processing claims for veterans satisfies the final certification requirement
- Candidate Service Officers who complete the online class, pass the written test and participate at a regional claims clinic will be given a Basic Service Officer Training diploma
- The diploma certifies the candidate as a Service Officer



COURSE ACRONYMS



- BCMR = Board of Corrections for Military Records
- CFR = Code of Federal Regulations
- CUE = Clear and Unmistakable Error
- DIC = Dependency and Indemnity Compensation
- DCR = Discharge Review Board
- NEXUS = Medical statement of condition linking condition to Military Service
- NOD = Notice of Disagreement
- RO = VA Regional Office
- S/C = Service Connected
- SOC = Statement of Case
- SSB = Special Separation Benefit
- STRs = Service Treatment Records
- VSI = Voluntary Separation Incentive Benefit



BASIC TRAINING FOR VETERANS' BENEFITS

CHAPTER 1 INTRODUCTION



THE ADVOCACY NETWORK



- Service Officer – may be accredited
- District Service Officer – may be accredited
 - Not allowed to charge a fee
 - Provide service & support and refer the individual to an accredited service officer if not accredited themselves
- Accredited Service Officers
 - Have additional training and support
- Paralegals and attorneys charge claimants a fee
- Service Officers are not obligated to send negative information to VA unless the VA asks for it



OVERVIEW: VA CLAIMS SYSTEM



- Nearly 1/3 of the US population is potentially eligible for federal veterans' benefits
- 26 million veterans, 48 million family members
- The VA has two roles: a friend of the veteran, and a guardian of the taxpayer's money
- Nothing is ever final in the VA system
 - All cases can be reopened
 - New material will be reviewed with the old afresh (all over again)
 - If it is not new then the VA has to inform the veteran of his/ her rights of appeal



OVERVIEW: VA CLAIMS SYSTEM



- In some cases, a VA Regional Office (RO) decision can be changed if the veteran can show that the decision was based on clear and unmistakable error (CUE)
 - Also based on the law at the time the case was denied
 - Or the VA was wrong
- VA claims that the system is non adversarial (that is VA is supposed to be fair and help the claimant), and no one is supposed to be arguing against the claim



BENEFIT OF DOUBT



- If the evidence is evenly balanced the claim is awarded
- VA has the responsibility to assist the claimant with obtaining medical records, social security records and government documents
- Conduct medical examinations to assess the claimants physical and mental conditions



VA MEDICAL CARE



- Veterans are not automatically entitled to VA hospital care, nursing home care or outpatient treatment simply because they are veterans
- VA medical care is principally directed toward treating medical problems that occurred in the service
- However, veterans are sometimes eligible for care for other problems
 - Some veterans medical care is at no cost and others must pay a co-pay (pay part of the cost of their care)



BASIC TRAINING FOR VETERANS' BENEFITS

CHAPTER 2 ELIGIBILITY REQUIREMENTS



DEFINITION OF A VETERAN



- VA defines a veteran as someone who served in the active military, naval, or air service, and was discharged or released there from "under conditions other than dishonorable."
- Reservists in any period of active duty for training
- However, a veteran need not have served in wartime or have engaged in combat to be eligible for many VA benefits



DISCHARGE REQUIREMENTS



- Honorable Discharge
- Discharge under Honorable Conditions
 - Often called a general discharge
- Both will qualify for benefits



ELIGIBILITY BY TYPE OF BENEFIT



- A veteran with a service- connected disability rated 30 percent or more is eligible for additional monthly payments
- For a spouse, a child, and a dependent parent



WILLFUL MISCONDUCT



- The VA will not award benefits for a veteran's injury or disease if the disability was a result of the veteran's own willful misconduct



APPORTIONMENT



- In some cases, all or part of the pension or compensation payments are divided up among family members
- Occurs when family members are not living with and/ or the veteran is not supporting them



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CHAPTER 3 SERVICE - CONNECTED COMPENSATION



SERVICE – CONNECTED COMPENSATION



- Service-connected compensation is a monthly payment made by the VA to a veteran with a physical or mental disability that was incurred or was aggravated by military service



WAYS TO ESTABLISH SERVICE CONNECTION



- Direct service connection
- Service connection through aggravation
- Presumptive service connection
- Secondary to a service connected condition
- Service connection for injuries caused by VA health care



SERVICE CONNECTION BASED ON VA MEDICAL CARE



- An injury or aggravation of an injury caused by VA hospitalization medical or surgical treatment, VA exams, or VA vocational rehabilitation
 - It can be service connected



SERVICE CONNECTION BASED ON VA MEDICAL CARE



- Section 1151 claims
- Did the individual suffer an injury that was VA's fault
 - Claimant must establish that VA fault or accident caused the injury
 - Usually once this is done the veteran receives a percentage rating and the veteran is paid compensation benefits



SERVICE CONNECTION BASED ON VA MEDICAL CARE



- If the section 1151 is based on death of a veteran, then the surviving spouse is awarded DIC



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CHAPTER 4 VA PROCESS FOR RATING DISABILITIES



HOW THE VA RATES DISABILITY



- Levels of disability
 - Once VA decides that the disability is service connected, it must decide the level of that disability, which will determine how much the veteran will receive



TOTAL 100% DISABILITY



- There are two ways in which a veteran can be rated 100 percent
 - By qualifying under the rating schedule
 - By qualifying for "individual unemployability"



SPECIAL TYPES OF CLAIMS



- Mental disorders
 - Most common is PTS (Post-Traumatic Stress)
 - Anxiety disorder
 - Individual shows one or more characteristic symptoms after experiencing a very traumatic event or stressor
 - Intense fear
 - Terror
 - Horror
 - Helplessness
- Does not have to be combat related



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CHAPTER 5 SERVICE - CONNECTED DEATH BENEFITS



DEPENDENCY AND COMPENSATION



- Monthly payment to spouse, children and dependent parents
 - Death must be service connected
 - Spouse must be legally married to and living with the veteran at the time of death



SERVICE-CONNECTED DEATH BENEFITS



- Veteran's cause of death must be a service connected condition, or;
- Veteran was 100% total and permanent for ten years prior to time of death.



SERVICE-CONNECTED DEATH BENEFITS



- DIC has two programs
 - Survivors of veterans who died before January 1, 1993
 - Based on the highest military rank held
 - Survivors of veterans who died after January 1, 1993
 - All surviving spouses are paid the same
 - Payments can be increased only if;
 - Veteran was receiving 100% for the last 8 years
 - The spouse was married to the veteran for those eight years



RESTORED ENTITLEMENT PROGRAM FOR SURVIVORS



- Started in 1982 to supplement Social Security
- Not really a VA benefit, but a Social Security benefit managed by the VA
 - Paid to spouses of soldiers that died on active duty prior to 1981
 - Paid to spouses of service members as the direct result of service-connected disability or aggravated in the line of duty
 - VA makes the line of duty decisions



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CHAPTER 6 NON-SERVICE-CONNECTED PENSION BENEFITS



NON-SERVICE-CONNECTED PENSION



- Non-service-connected VA pension is a monthly payment available to certain wartime veterans who are permanently and totally disabled and financially needy
- Eligibility for VA pension benefits
 - Must have served during wartime
 - Discharged under conditions other than dishonorable
 - Be permanently and totally disabled
 - Meet an income and net worth test



INCOME AND NET WORTH LIMITS



- A veteran's net worth consists of:
 - Real property (land)
 - Personal property (material possessions)
- It does not include the veteran's home
- It does include family income



PENSION PROGRAMS



- Old Law Pension
 - Ended July 1, 1960
 - Did not count the spouse's income
- Section 306 Pension
 - July 1, 1960 - December 31, 1978
 - Does count the spouses unearned income such as social security benefits
- Improved Pension
 - Only program currently available
 - Effective January 1, 1979
 - Counts all the spouse's income



PENSION PROGRAMS



- Calculating improved pension
 - Two steps
 - Veterans Maximum Annual Pension Rate (MAPR)
 - Type of veteran, spouse, children
 - Increased by total numbers of each
 - Increased benefits depending on the severity of the disability
 - Dependent parents are not counted
 - Veterans counted income cannot exceed the veterans maximum annual pension



PENSION PROGRAMS



- Special Monthly Pension (SMP)
 - Two types
 - Housebound benefits
 - 100% permanent disability - confined to their homes
 - 100% permanent disability and another 60% for a second disability
 - Aid and attendance
 - Available to veterans that need assistance in daily living (i.e.: dressing, bathing, cooking, etc. Think quality of life)



PENSION PROGRAMS



- Non-service connected death pension
 - For low- income spouses and spouses with children
- Eligibility
 - Veteran must meet the eligibility for VA benefits
 - The survivor must demonstrate financial need and must not have excessive worth



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CHAPTER 7 THE VA CLAIMS PROCESS



APPLYING FOR BENEFITS



- Early claims filing
 - File an Intent to File, VA Form 21-0966



COMPLETING THE FORM



- Form 21-526 or 21P-526EZ should be completed with the assistance of a representative
- Needs to be complete and accurate
- Can be done online
 - Veteran's on-line application
- VA is to inform you of everything you need to win the claim



OBTAINING EVIDENCE



- VA will attempt to obtain all government medical and federal forms
- The individual and their representative should do the same
- Military medical records can be obtained by contacting National Personnel Records Center (NPRC) using Standard Form 180 (SF 180) request pertaining to military records



FOR FULLY DEVELOPED CLAIMS USING 21-526EZ



- VA has obligation to obtain service treatment records
 - This does not include records for reserve or national guard
- VA has obligation to get VA medical records
- If a VA Form 21-4142 (release of records) is included with claim it will not be treated as a fully developed claim but put with the traditional claims
- Include the FDC form stating that this is a fully developed claim and includes everything needed to adjudicate the claim along with the inclusion of federal records



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CHAPTER 8

Appeals for Veterans Claims



VA DECISION LETTERS



- Veterans can appeal any decision made by VA
- There are three avenues for appeal, these will be covered later in your training.



BOARD OF VETERAN'S APPEALS



- BVA remands
 - BVA can obtain new evidence, clarify evidence, cure a procedural defect or perform other actions as necessary
 - The board can send back to the RO for additional development
- A remand is neither a grant or denial



RECONSIDERATION



- A motion for reconsideration must be filed at the board's Washington office
- BVA will notify the veteran if the claim is denied or granted
 - You have 60 days to present additional arguments
- If the motion is granted, the earlier BVA decision is vacated



NEW AND MATERIAL EVIDENCE



- Any decision of VA benefits can be reopened if the veteran has new and material evidence
 - Material evidence = relates to an unestablished fact necessary to prove the claim
 - It raises the possibility that, with all the other evidence of record, it would substantiate the claim



NEW AND MATERIAL EVIDENCE



- If the claim is re-opened, then VA must consider all evidence in reference to the claim
- There is no limit to the number of times a claimant may attempt to reopen a claim with new and material evidence



CUE CLAIM



- Clear and Unmistakable Error - Claim that shows that the RO or the BVA made an error and that if the error wasn't made then the claim would have been granted



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CHAPTER 9 VA DEBT COLLECTION



VA DEBT COLLECTION



- Reasons the VA will initiate collection
 - Over payment
 - Wrong amount sent
 - Persons on pensions inherit large amounts of money
 - Divorces
 - Not reporting income
 - Etc.



STEPS THE VA WILL TAKE



- Send a demand letter
- Must explain how the debt occurred
- Inform the veteran of the right to challenge the overpayment



STEPS THE VA WILL TAKE



- Veteran's options
 - Challenge the debt
 - Challenge the amount of debt
 - Ask for VA termination, or write off --- where the debtor has been paying off the debt and encounters financial changes such as retirement
 - Ask the VA to forgive the debt due to financial hardship
 - Ask the VA for a payment plan



STEPS THE VA WILL TAKE



- VA will follow up with second and third demands for the debt to be paid
- Can notify consumer reporting agencies
- Hire a private debt collector
- Ask internal revenue to seize any tax refunds due the veteran
- Reduce the amount of veterans benefits they are receiving
- Finally can file a lawsuit



STEPS THE VA WILL TAKE



- Veterans should retain an advocate (veteran's service officer or a lawyer)
- Handled by regional office (RO) in Minnesota and the St. Paul insurance company



WAIVERS



- It is the request by the veteran to the VA asking them to forgive the debt and stop any collection of the money
- The deadline for requesting a waiver is 180 days after the date of the notice
- The sooner the better to start the waiver process



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CHAPTER 10 CHANGING MILITARY RECORDS



MILITARY DISCHARGE UPGRADES



- Veteran may obtain a discharge upgrade from;
 - Discharge review board
 - Board for the correction of military records
 - Each of the military services maintains a discharge review board with authority to change, correct or modify discharges or dismissals that are not issued by a sentence of a general courts-martial
 - The board has no authority to address medical discharges
 - All of the services are now being very generous with character upgrades if the veteran can show that they have a mental health condition that led to their action which caused the received discharge.



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CHAPTER 11 VA HEALTH CARE



VA HEALTHCARE



- Must be enrolled
 - In person
 - Internet
 - By mail
- Hospital and outpatient care
- VA nursing homes care
 - Under no obligation to provide this care



VA HEALTH CARE



- VA domiciliary care
 - Provides home environment, food, shelter clothing and other comforts, for a limited time, to veterans that are unable to earn a living
 - Also provides rehabilitation, vocational and support services to these veterans
 - Veteran whose income does not meet the annual income amount that needs regular aid and attendance of another
 - Or a veteran that does not have adequate attendance of another



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CHAPTER 12 BENEFITS FOR SPECIAL GROUPS



BENEFITS FOR SPECIAL GROUPS



- Undiagnosed illnesses
 - Must have served in predetermined areas
 - Undiagnosed illness or a medically unexplained chronic illness (six months or more)
- Illness should be documented by a doctor
 - Must have manifested prior to January 1, 2007, and must be severe enough to warrant a ten percent (10%) disability



SPECIAL BENEFITS FOR THE DISABLED



- Severely disabled
- Specially adapted automobile equipment
- A guide dog
- Special adapted housing
- A clothing allowance
- Prosthetics and rehabilitive aids
- To be eligible for vocational rehabilitation the veteran must have service connected disability of at least 20% and they also have an employment handicap



COURSE COMPLETION



- You are ready to take the test
- [Basic Service Officer Class Test](#)



SERVICE OFFICER RESOURCES



- Found under this title in SERVICE OFFICER SECTION OF
- Department WEBPAGE
- 2011 Post Service Officer Guide: [Post Service Officer Guide](#)
- Initial Interview Form: [Initial Interview Form](#)
- Upgrade of Discharge Briefing: [Upgrade of Discharge](#)
- Fully Developed Claims Briefing: [FDC Brief](#)
- VA eBenefit webpage: [eBenefits Homepage](#)