



# *The American Legion, Department of Indiana*

## Service Department

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### **Claimant/Representative Policy Statement** (Revised: February 3, 2017)

#### **How we provided VA claims representation:**

You recently supplied our office a completed and signed VA form 21-22 or have requested American Legion representation using your eBenefits account. We have accepted your appointment and have notified the Department of Veterans Affairs (DVA or VA) accordingly. This appointment is commonly referred to as a Power of Attorney (POA).

American Legion claims representatives (Department Service Officers and National Appeals Officers) are not attorneys. We are, though, trained in veterans' benefits and the administrative processing of veterans law and regulations. American Legion Service Officers in Indiana are employees of The American Legion Department of Indiana. American Legion National Appeals Officers are employees of the national organization of The American Legion. American Legion Department Service Officers and American Legion National Appeals Officers are both accredited as claims representatives by The American Legion and the Department of Veterans Affairs (VA).

You have chosen "The American Legion" as your representative; not just one individual representative. For your benefit, representation of your VA matters will be processed as a team effort. As long as you reside in Indiana, American Legion Department Service Officers from this office will provide your representation. If you move to another state, the American Legion Department Service Officer in that state will become responsible for representing you with VA matters. If you have a case that is appealed to the Board of Veterans Appeals (BVA), an American Legion National Appeals Officer will present your case to the BVA in Washington DC. You will not normally need to contact the National Appeal Office if your case is appealed to the BVA. If you move to another state, though, you should contact an American Legion accredited Service Officer in that state for further representation. You may find a list of accredited American Legion Service Officers at: <http://www.legion.org/serviceofficers>, or our office can also provide you the contact information for an accredited American Legion service officer nearest your new address. Please keep us advised of address changes even if you move within the State.

At this office, we separate the caseload by the first letter of the veteran's last name. Your assigned Service Officer will normally work your case and answer your questions. His or her associate, however, may assist you if your primary Service Officer is temporarily unavailable for any reason. Your American Legion Department Service Officer may also discuss complicated matters of your case with each other, and/or seek advice from The American Legion National Appeals Staff if necessary. Please also understand that caseload assignments depend upon office staffing and are therefore subject to change.

Please be aware that only accredited American Legion representatives may "represent" you before the VA. The term "accredited American Legion representative" does not include an American Legion Post Service Officers in the State of Indiana. Several County Veterans Service Officers in Indiana have however, also received American Legion accreditation. As an accredited representative, we are authorized to review your VA records and all information concerning your claim, file notices with VA on your behalf, discuss the evidence pertaining to your claim with VA officials, review most all actions taken by VA on your claim including decisions, represent you during appeal hearings, and provide written appeal statements to the Board of Veterans Appeals in Washington DC when necessary.

We will hold information concerning your VA matters or claims in the strictest of confidence. No one except appropriate government officials or your County Veterans Service Office will receive information about your claim from The American Legion without your written consent.

#### **How you may inquire about your claim:**

We have a large number of veterans calling our office, and the phone lines are often busy. Unless you notify us otherwise, we will also provide the local County Veterans Service Office information about your VA claim. If, therefore, you have filed your claim using the services of a local County Veterans Service Officer (CVSO), please contact your local County Veterans Service Office -- not us -- with simple claims status inquiries. Please, however, feel free to call our office if you have questions the CVSO cannot answer. When calling the office, please keep your conversations short and to the point. We usually have many other calls we must return that day. Unnecessary lengthy conversations with one client simply take away from time we could productively spend helping someone else.

You may find it easier to keep track of the status of your claim by registering for an e-benefits account. This will allow you to track the processing of your VA claim using your home computer. You can register and find additional information pertaining to e-benefits at: <https://www.ebenefits.va.gov/ebenefits-portal/ebenefits.portal>.

You may also call VA directly at 1-800-827-1000 for simply claims status inquires.

### **How you should supply supporting evidence:**

Unlike attorneys who usually charge substantial fees for representation, American Legion representation is free. Our quality of representation and knowledge of the subject matter remains high though, because we focus only on veterans' law issues. As you can imagine, this fact gives us an extremely large number of cases.

If you have ever processed a legal matter with the help of an attorney, the attorney probably provided you a few luxuries we cannot. Attorneys keep copies of all evidence in their office files—we do not. Attorneys also often automatically file timely appeals without contacting their clients or having their clients first contact them—we do not. Please therefore, keep copies of all the evidence you send us. This will ensure you have a copy available if the original is lost in the mail. Also, please make sure you respond to any VA letter asking for information. You should also return a timely written response to any VA decision that you disagree with or wish to appeal.

**During the processing of your claim, VA may ask you to send additional documents to VA's Centralized Evidence Intake Center in Janesville, Wisconsin. You should, however, instead, send our office anything pertaining to your claim that you want submitted to VA.** This will allow us to make sure those items are filed correctly with VA and we have a receipt for filing. This also allows us to help ensure you do not mistakenly submit information harmful to your claim. There are two exceptions to sending these items directly to us. First; if you filed your original claim or reopened your claim through your local County Veterans Service Office and wish to keep them informed, you may want to send your letters or evidence to us through the County Veterans Service Office. Second, if you have very little time to file an item before a filing deadline passes, send it or deliver it directly to the proper VA office or fax it to the VA Evidence Center. The VA does not consider items properly filed unless the VA receives them timely. We normally have items filed within one to two days after receiving them at the Department Service Office, but a good rule is; **if you have less than two weeks to meet a filing deadline, file the item directly with VA.** You should then let us (and, if involved in your case, your County Service Officer) know what you have sent directly to VA. Also, please understand that an item delivered to a County Veterans Service Office or an American Legion Post Service Officer is not considered filed until VA actually receives that item. **If you receive a request to return information from a VA facility other than the Indianapolis VA Regional office or the VA Evidence Center, please send us a copy of the requested information and a copy of the VA request letter so we can make sure to forward your response to the correct VA facility.**

You may also reach us by e-mail. The office e-mail address is: [al.vbaind@va.gov](mailto:al.vbaind@va.gov). You may use our e-mail for simple questions, but please call for advice if you have complex questions or concerns -- especially the type that might require dialogue. Please also remember that e-mails are not confidential. It is more like mailing a post card, so please guard what information you send or ask for via e-mail communications. **Please never send us your full social security number or notice of an appeal via e-mail or anything that requires a timely response.** We literally receive hundreds of e-mails and we might not be able to respond for several weeks simply due to the large volume. E-mail is our *least* preferred means of communication!

### **Office Hours, Office visits, and Service Availability Times:**

Each of our Department Service Officers has set aside two days a week for answering telephone calls, one day a week for per-hearing conferences and writing appeal statements, one day a week for client interviews, and one day a week for researching law, working cases, and answering correspondence and e-mails. The Department Service Office is normally open from 7:30 AM until 4:00 PM (please try to call before 3:30 PM) Monday through Friday. Due to the heavy volume of calls, we will need to place your name and phone number on a callback list when you call. We will give you a time when the service officer will return your call. You should call your assigned service officer on his appointed telephone call days as soon after 7:30 AM as possible because the callback list will sometimes fill quickly. If you call on a day your assigned service officer cannot take your call, you will be asked to call back on the service officer's next call day. If you believe your call is urgent and cannot wait for your assigned service officer's call day, you may ask the secretary to talk to another available service officer. That associate service officer will attempt to answer your inquiry. If he or she cannot answer your concern, he or she will relay your message to your assigned service officer. *Our secretaries are*

*instructed not to take phone messages because the volume of calls often makes returning messages impossible.* If you happen to call on a holiday or when other Legion activities have taken us away from the office, a phone message will instruct you to return your call at another time. Also, please do not call us with a medical emergency or urgency: call your local emergency number, such as, 911, the VA Medical Center, or your doctor depending on the situation.

**Persons planning to visit the Department Service Office must first call for an appointment.** This will allow your Service Officer to prepare for your visit and find your VA records. This also helps prevent us from doing another client a disservice caused by an unexpected interruption while working on their claim. Furthermore, appointments will substantially reduce your waiting time in the office. If you have a computer at home with access to the Internet and you do not have an e-benefits account yet, you should stop by the “VA Benefits Center” about 60 minutes prior to your appointment with us and sign-up for a level 2 e-benefits account. This will allow us access to additional information when filing your claim, and provide you with claims status information during the processing of your claim. The “VA Benefits Center” is located in room 317 on the same floor of the federal building as our office.

### **VA Claims and Appeals Processing:**

Due to a limited number of VA employees and the complexity of many VA claims, VA claims often require months to process. Also, the processing time is usually extended as more issues (specific benefit requests) are claimed. This is especially true if claimants add issues during the processing of a pending claim. If appeals are necessary, the processing time is measured in years. The American Legion asks Congress to rectify this problem, but improvements are occurring very slowly. There are ways, though, to help any claim process as quickly as possible. For instance, all claim forms should be completed thoroughly. Also, it is very helpful if all the supporting evidence and documents are filed at the same time the claim is filed. Please call us (or, if using, your local County Veterans Service Officer) if you would like to discuss what type of documentation or evidence is necessary to help VA make a favorable decision on your claim as quickly as possible. Currently, the VA will process claims filed with all the necessary evidence (Fully Developed Claims) and make a decision within about 4 to 6 months. Traditional claims (those filed without all the available evidence) have been taking at least twice as long and sometimes much longer to process and decide.

If you file an appeal that must go to the Board of Veterans Appeals (BVA), an American Legion National Appeals Officer in Washington DC will supply the BVA an Informal Hearing Presentation on your behalf. The Board of Veterans Appeals (BVA) might ask VA to obtain further information and make another decision before the Board makes its final decision. If you appeal to the BVA, a VA office in Washington DC (or possibly, the local VA Regional Office) might ask for additional evidence or authorize you to undergo a VA compensation or pension examination. **If the Washington DC Board of Veterans Appeals office or VA’s Appeals Management Center (AMC) in Washington DC asks you for additional evidence, you should return that evidence directly to that office, or, if you want us to review it first, you may return your response to our office with a copy of the BVA or Appeals Management Center letter so we will know where to forward you response.** Our National Appeals Office will review the evidence when our National Appeals Office provides the BVA an argument in support of your claim.

If you become satisfied with a favorable decision made during the processing of an appeal, please supply us written notice that you do not wish to continue the appeal. This will finalize your VA appeal, and help reduce the backlog of pending appeals.

We will not lead you on. If we believe you do not have a good claim, we will tell you. We will not stand in your way if you decide you want to process a claim that lacks merit or is not well grounded, but we will likely have to withdraw as your representative.

We also reserve the right to revoke representation if a claimant becomes difficult to work with, demands too much of our time needlessly, or refuses to cooperate or accept our advice. Of course, you also have the right to revoke The American Legion as your VA representative (Power of Attorney, or POA) if you become dissatisfied with our representation. It is our policy, though, not to reaccept clients once either party has revoked representation. Please also remember that assigning another Veterans Service Organization or an attorney as your representative in the administrative processing of a VA claim automatically revokes The American Legion as your VA representative.

Hopefully, we will have a long association together and The American Legion can help you obtain benefits that are rightfully yours.