

May 11, 2016

## Veterans Service Update

**Department Veterans Service Office May Business Hours:** The department veterans' service office will be closed for Memorial Day on Monday, May 30<sup>th</sup>. This office will otherwise be open each Monday through Friday from 7:30 AM until 4:00 PM during the month of April. Department Service Officers will, however, be away from the office on Tuesday, May 17<sup>th</sup> and Wednesday, May 18<sup>th</sup> while attending the County Veterans Service Officers School. Appointments are necessary for client visits. You may contact the department veterans service office by calling our direct number of 317-916-3605; calling a long distance toll free number of 1-888-723-7999, extension 1; faxing us at 317-916-3406; or by using the following e-mail address: [al.vbaind@va.gov](mailto:al.vbaind@va.gov).

### Local Service Issues:

**Veterans Outreach Events:** The Indiana Department of Veterans Affairs (IDVA) still has several veterans outreach events scheduled. The events will take place at Naschand Fieldhouse in Jeffersonville on Tuesday, May 17<sup>th</sup>; Trine University in Fort Wayne on Thursday, May 19<sup>th</sup>; at the Tippecanoe County Fairgrounds on Wednesday, June 8<sup>th</sup>; Ivy Tech in Gary on Wednesday, June 15<sup>th</sup> and the 38<sup>th</sup> Division Armory in Indianapolis, on Wednesday, June 22<sup>nd</sup>. IDVA states these "free events are one stop shops for veterans, service members, and their families who are seeking career assistance, VA benefits, care, education and much more." IDVA also states employers will be on site ready

to hire veterans, and veterans should dress accordingly.

**Job Fair:** A job fair will take place on Friday, May 20, 2016 at the Hulman Center on the Campus of Indiana State University, 200 North Eighth Street, Terre Haute, Indiana. Veteran will receive priority service from 1:00 PM to 2:00 PM. Afterwards; the general public can participate from 2:00 PM to 5:00 PM. Employers can register for space using the following link: <http://bucshon.house.gov/job-fair-registration>. You may obtain further information by contacting Erin Lucas at: (812) 549-7123 or [erin.lucas@mail.house.gov](mailto:erin.lucas@mail.house.gov).

### National Service Issues:

**VA Fiduciary Program Error:** The VA fiduciary program provides oversight of beneficiaries who, due to injury, disease, or the infirmities of age, are unable to manage their VA benefits. VA's role is to conduct oversight of beneficiaries to ensure their well-being, and oversee the fiduciaries it appoints to assist beneficiaries with the management of their VA benefits. VA has recently identified claim processing errors affecting approximately 14,000 Veterans and survivors needing fiduciary assistance. The errors concern cases in which VA had proposed that due to disability or age the beneficiary was unable to manage his or her VA benefits without assistance, but VA failed to

complete the action by transferring this information within VA for appointment of a fiduciary. These cases represent approximately four percent of such proposals since 2000. VA has now set up a dedicated team to immediately review these cases, notify beneficiaries, complete the claim processing steps, and appoint a fiduciary as quickly as possible. Because the law requires VA to check the qualifications of the fiduciaries it appoints, including conducting a face-to-face interview, VA anticipates that it may take as much as six months or more to complete the fiduciary appointment process for these beneficiaries. However, the beneficiaries will continue to receive their monthly benefits as VA works to appoint a fiduciary to assist them. *Source: VA News Release, 3/24/2016.*)

**Veterans Encouraged to File Clear and Unmistakable Error (CUE) Claims with VA Medical Center Decisions Denying Payment of Certain Private Medical Expenses:** The United States Appeals Court for Veterans Claims (USACVC) recently upheld a veteran's claim for VA payment of emergency medical costs not completely paid by a 3<sup>rd</sup> party provider. VA has consistently denied payment for the balance of private emergency medical care if the otherwise eligible veteran had other insurance paying part but not all the costs of the medical care. In the USACVC case, Richard W. Staab v. Robert A. McDonald (Secretary of Veterans Affairs), the court invalidated and set aside VA's regulation (38 CFR 17.1002(f)) used in denying these claims. In 2009, Congress passed the Emergency Care Fairness Act to confirm the congressional intent requiring the VA Secretary to step in as a "secondary payer" where other health care insurers, such as Medicare, cover only a portion of the cost of a veteran's emergency treatment. VA essentially ignored the act and continued paying only when the veteran had no 3<sup>rd</sup> party payer. Veterans having been denied claims for VA payment of emergency medical expenses since 2009 should therefore file a CUE claim asking for payment or

reimbursement of those medical expenses. Veterans are essentially entitled to VA payment of private emergency medical care if attempting to use VA health care services would possibly harm the veteran's health or life, the veteran had been enrolled in and had used the VA healthcare system within two years of the event requiring emergency healthcare services, and a timely claim for payment or reimbursement is filed.

**E-Benefit Filing Errors:** In December 2015, VA identified a system problem that affected users of e-Benefits and the Stakeholder Enterprise Portal (SEP). Some veterans and their representatives may have received erroneous confirmation that claim-related documents had been successfully uploaded to their e-Folders when the documents had actually been rejected by the system. VA states this problem started in August and was resolved in December 2015. VA identified and is contracting the veterans potentially affected by the system defect. Those affected veterans and their representatives are being asked to resubmit all documents uploaded in support of the veteran's claim. Veterans have up to one year to resubmit the documents to VA. Any claims already decided will be reconsidered based on any resubmitted evidence. (Source: American Legion National Headquarters e-mail dated April 21, 2016)

Veterans could be contacting their local county veterans' service officers concerning this issue, but they should only have concern and take further action if VA has contacted them about missing e-benefits documents from August 2015 through December 2015 that need replaced.