National Veterans Service

Policy & Procedure

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National Veterans Service
As approved by the National Veterans Service Advisory Committee
July 27, 2024

VETERANS OF FOREIGN WARS OF THE UNITED STATES
NATIONAL VETERANS SERVICE

POLICY AND PROCEDURE

AUTHORITY

Section 619 of the By-Laws of the Veterans of Foreign Wars of the United States (hereinafter referred to as VFW) provides that the National Veterans Service Advisory Committee shall control the veterans service programs of the VFW under the supervision of the National Council of Administration and subject to the provisions of the National By-Laws and orders of the National Convention.

The policy and procedure contained herein are issued for guidance of all persons providing assistance under the auspices of the National Veterans Service. These policies in no way supersede State or Federal law.

VFW NATIONAL VETERANS SERVICE

1. In accordance with the policy and instruction of the National Veterans Service Advisory Committee, the Director, National Veterans Service, shall be responsible for the administration, supervision and technical guidance of all activities, programs and personnel of the National Veterans Service, under the direct supervision of the Assistant Adjutant General and Executive Director of the VFW Washington Office.

2. In accordance with policy approved by the National Council of Administration, decisions of the Director, National Veterans Service, with respect to the appointment of employees and other personnel actions, travel authority, purchases, vouchers and other administrative matters, are subject to review and approval by the Executive Director of the VFW Washington Office.

3. The National Veterans Service shall consist of positions recommended by the National Veterans Service Advisory Committee, with the advice and consent of the VFW Adjutant General and the Executive Director of the VFW Washington Office, for approval by the VFW Commander-in-Chief and the National Council of Administration.

4. The incumbent employee of each National Veterans Service staff position shall perform the regularly assigned duties of the position and shall assume such other responsibilities and duties as assigned by the Director, National Veterans Service.

VFW ACCREDITATION, REACCREDITATION, REVOCATION OF ACCREDITATION AND TRAINING

1. General

Congress and the Department of Veterans Affairs (VA) regulate organizations and individuals who seek to represent veterans and other claimants before the VA. A person shall not function in any capacity as a VFW representative in a claim or other matter before the Department of Veterans Affairs until such person is officially accredited, through the VFW, by the Department of Veterans Affairs. A person will not be accredited by VA unless the VFW has certified to it that the individual meets the eligibility criteria established by VA. The Director, National Veterans Service, is VFW's certifying official.

The VFW will not certify for accreditation VFW Post, County Council and District Service Officers since they do not require accreditation in the conduct of their normal duties.

VFW may certify individuals for accreditation provided they meet the eligibility criteria established by both VA and VFW as described elsewhere in this section. The following titles are acceptable as VFW Accredited Representative:

- Department Service Officer
- Assistant Department Service Officer
- Office Supervisor*
- Claims Consultant
- Administrative Assistant**

*At a department's discretion, a VFW department may choose to have a non-VFW member oversee the duties of their department service office. In these instances, the individual cannot hold the title of Department Service Officer, but can instead be the Office Supervisor. In accordance with VFW National By-Laws Sec. 515, Department Service Officers and Assistant Department Service Officers must be VFW Members in good standing.

**Administrative Assistants working in VFW offices collocated at VA regional offices will not normally be certified since accreditation is not required to conduct their normal duties.

Note: Some support staff have been accredited in the past. These individuals are not authorized to represent or counsel veterans at personal hearings nor does their accreditation allow them to review claims files, to "sign off" on rating decisions. The accreditation only authorizes support staff access to the VA's Benefits Delivery Network and other related software systems.

NOTE: NVS Staff, State Run Agencies, and County Run Agencies may have different titles based on the discretion of their supervising authority.

Only VFW accredited individuals specifically assigned to and working at a VA regional office, consolidated work site (e.g., Pension Management Centers), and other approved locations may

have access to claim files or represent claimants in hearings, sign-off on ratings, accept or reject Powers of Attorney, prepare VA Forms or otherwise represent claimants before VA.

Accreditation by the Department of Veterans Affairs shall not be deemed by the National Veterans Service as authorization for VFW representatives to represent clients in claims or other matters, before governmental departments or agencies other than the Department of Veterans Affairs.

With the exception of certain state and county veteran service officers, multiple accreditations are not permissible. However, in special circumstances as required by state law, the Director, NVS, can grant a waiver.

2. Requirements for certification and accreditation

The Director, National Veterans Service, shall not certify a person to be an accredited representative of the VFW unless such person:

A. Is of good character and reputation;

B. Is not employed by a civil or military department or agency of the United States;

C. Is a member in good standing of the VFW who functions full-time in veterans service work; if not a member of the VFW, is a full-time employee of the VFW (a part-time employee may be considered under special circumstances) or is an employee of a state or county government agency whose principle accreditation is to the state, county or to another veterans service organization, and functions full-time in veterans service work (primary accreditation for state or county employees will be considered on a case-by-case basis under compelling circumstances at the request of VFW Department leadership); and,

D. Has successfully completed a Department of Veterans Affairs approved course of instruction on veterans benefits; or has received a passing grade on an examination recognized by the Director, National Veterans Service and approved by the Department of Veterans Affairs, State Department of Veterans Affairs or similarly-named agency; or has demonstrated an ability to satisfactorily represent benefit claims as attested by the Department Service Officer.

Decisions as to character, reputation, knowledge of veteran's benefits and other criteria in this section are solely within the discretion of the Director, NVS.

3. Procedure for accreditation

A. Persons seeking certification by the VFW must complete and submit the following accreditation packet:
   1. Cover letter signed by the Department Commander or Adjutant
   2. VFW *Application for Accreditation*,

3. VA Form 21, *Application for Accreditation as Service Organization Representative*
4. VA's Training, Responsibility, Involvement, and Preparation (T.R.I.P.) certificate.
5. A background investigation certification. See paragraph 4 on page 5.

   *Missing any of the aforementioned items from the accreditation packet or failure to fill out forms completely will delay certification by the Director, NVS. ***Any omission, misrepresentation or falsification of information in the accreditation packet may be grounds for revocation of accreditation.***

B. Accreditation packets will be submitted through the Department Headquarters, who will review the packet and forms for completeness and accuracy. Any problems noted on the applications or background check should be resolved prior to submission of the packet to National Veterans Service.

C. Each application for accreditation submitted to the Director, NVS, must be accompanied by a cover letter signed by the Department Commander or Adjutant stating the reason(s) why the applicant should be accredited. **Applications without a cover letter will not be processed.** The Director, National Veterans Service cannot cross-accredit a state or county representative without the consent and knowledge of the appropriate VFW Department leadership. Applications for accreditation from state-run service programs must be signed by an appropriate state official with copies of the request for accreditation sent to the pertinent VFW Department Commander and Adjutant.

D. The NVS Director or his designee will review each application for accreditation. Any problems will be resolved before approved by the Director, NVS.

E. The Director, National Veterans Service, acting in the capacity as National Certifying Officer, shall certify a VA form 21, *Application For Accreditation As Service Organization Representative*, to the General Counsel of the Department of Veterans Affairs for the accreditation of an individual as a representative of the VFW. Once an application for accreditation is approved by the General Counsel, the Director, National Veterans Service shall forward the applicant a copy of this *Policy and Procedure*.

F. Upon receiving accreditation by the Office of General Counsel, VFW accredited representatives must complete VA training and obtain a VA PIV Card and access to VBA computer systems. NVS understands that this process is controlled by the Department of Veterans Affairs and those representatives may experience delays. Any challenges with this process should be addressed through the accredited representative's chain of command, culminating with VFW National Veterans Service. VFW accredited representatives shall maintain their VA PIV Card and access to VBA computer systems by completing required VA's annual training requirements.

G. The Director, National Veterans Service reserves the right to extend primary accreditation to certain individuals to serve a national mission without the consent of a VFW Department Commander or Adjutant. Such circumstances include the accreditation of National staff members and missions such as serving military

installations or institutions of higher learning, where claimants will not necessarily reside in the VFW Department of jurisdiction.

All agreements or contracts between VFW Departments and state or local entities for the purposes of extending VFW accreditation must comply with the National Veterans Service Policy & Procedure. VFW Departments may obtain technical assistance from National Veterans Service to ensure such compliance. However, National Veterans Service is not required to be a signatory to such an agreement, as the agreement is at the sole discretion of the appropriate VFW Department Commander or the appropriate Commander's designee.

4. Background Investigations

VFW, state, and county service officers, claims consultants, support staff, and volunteers have access to important and sensitive information concerning veterans and their families obtained directly from them or through access to VA and other data systems. That is why VFW requires that anyone connected with VFW claims taking, development or processing, whether accredited or not, be of the highest character.

A. Effective August 1, 2016, all individuals seeking accreditation with VFW must undergo a pre-accreditation investigation. In addition, support personnel working in VA facilities and approved locations must also undergo a pre-employment background investigation. At a minimum, each background investigation must include the following:

    - Driving records
    - Credit records
    - Criminal records
    - Social Security number
    - Education records
    - Court records
    - Bankruptcy
    - Character references
    - Military records
    - Past employers
    - Personal references
    - Incarceration records

B. Any indication of financial impropriety will disqualify an individual from accreditation. While support personnel are not accredited, it is suggested that VFW Departments should not employ anyone with a financial impropriety in their background.

C. Legal and employment problems either self-reported or developed during a background investigation will be considered by NVS and may influence the decision to accredit an individual.

D. Note: Following employment, the identification of any issue indicating a character problem, including but not limited to a financial impropriety or criminal activity (e.g., a

conviction for DUI; impropriety involving money or finances) should be a signal to Department management to review the advisability of continued employment and/or accreditation of that individual. While Departments are solely responsible for decisions involving continued employment, they are encouraged to consult with the Director, NVS, on any issue involving the character of the individual as that may affect continued accreditation.

E. NVS considers it sufficient to verify that a background check was completed if the candidate for accreditation can demonstrate that an OPM background check was conducted within the past year or if the candidate has a valid VA PIV badge with VA systems access.

F. Employment Background Investigation will be reviewed by the Department Commander and/or Adjutant before submitting the application to NVS for accreditation.

G. Application packet for accreditation must include certification letter by the Department Commander and/or Adjutant addressed to Director, NVS stating that a background investigation has been conducted along with an explanation for any discrepancies discovered.

5. Training

The compensation program administered by VA is arguably the most complex benefit program in government today. On average it takes a new VA employee two to three years to become proficient in general claims processing and another three years of training and study to master most of the skills needed to make correct decisions involving service connection, disability evaluation and effective dates. The primary goal of the VFW training program is to help VFW service officers become as good as or better than the VA employees with whom they work.

A. The VFW training program is intended to provide substantive recurring training primarily to those service officers and claims consultants assigned to VA Regional offices and approved locations. The VFW provides the following in person training on a recurring basis:

- Basic Training: This training is designed to provide a comprehensive overview of the veterans' benefits programs administered by VA and includes substantial practical exercises and drills. Target audience: all new DSOs, Assistant DSOs and Claims Consultants who began working for VFW within the previous year. *NOTE: attendance is optional, at the request of the Department, for those Assistant DSOs and Claims Consultants not assigned to the regional office. State-run agencies may register attendees on a space available basis, contingent on the stat-run agency paying associated costs.*
- Proficiency Training (PTC): This conference provides more than 30 hours of advanced instruction on policy issues, management skills and updates pertaining to benefits administration within VA and VFW. Target audience: all DSOs and one other accredited representative assigned to the regional office. The second accredited

representative selected to attend PTC should rotate among the office staff to ensure continuity of training. Additional attendees may attend on a space available basis at the discretion of the Director, National Veterans Service. The Director, National Veterans Service may delegate this authority to a member of NVS staff not lower than an Assistant Director.

- Skill Level Training: Skill Level Training is 30-40 hours of instruction held annually. This training focuses on increasing the knowledge and skill set of participants to comply with VA Office of General Council requirements for continuing education. This training may be conducted both in person or virtually. Each Department or State Agency may send two accredited representatives assigned to the VA regional office for in person Skill Level Training. Departments or State Agencies may enroll up to three additional accredited representatives to attend the Virtual Skill Level Training. During this training expert instructors provide comprehensive training designed to enhance a service officer's ability to understand rating and complex authorization issues. Target audience: All Accredited Representatives

VFW provides training for VFW accredited individuals based on attendee spaces available per Department. However, training is required for all service officers seeking to obtain and maintain accreditation with VA. As a consequence, VFW Departments, as well as state and county offices, are responsible for providing regular quality training to its service officers. Training resources to satisfy this requirement are available through the VFW Online Learning Portal for accredited representatives.

The VFW pays for a determined number of accredited representatives from each Department based on the Department's designation of which representatives it considers assigned to each VA regional office. However, anyone accredited by VFW can attend training for a fee on a space-available basis. VFW will only reimburse authorized travel expenses (ex. airline luggage fees) for accredited representatives assigned to training when requests for reimbursements with receipts are submitted to NVS within 30 calendar days following training. The Director, NVS, can require a Department to reimburse NVS for associated training costs in the event that a Department employee causes NVS to incur an avoidable loss. The Director, NVS, should be contacted for more information on the cost and availability of training.

The Director, NVS, has the authority to substitute training conferences with alternative training methods (ex. Virtual Training), reassign accredited representatives to a training conference based on experience, and excuse attendees when deemed necessary.

All those accredited by the VFW not included in Basic Training, PTC, or Skill Level Training are responsible for obtaining initial and continuing training through their employer. Information on training resources, to include potential virtual training options from the VFW, may be obtained from the NVS Assistant Director for Training & Quality Assurance. State, County, and Department supervisors will provide verification of completion of training upon request of the Director, NVS.

Testing is conducted following Basic Training, the PTC and Skill Level Training. Results are reported to the individual and their supervisor. NVS understands that different service officers

advance at different speeds. We are careful to explain to Department Commanders, or in the case of the State-Run Departments, the State Director of Veterans Affairs that a single test score is rarely sufficient to indicate overall success or failure. Test results are used to gauge the relative success of training and, over time, increases in job knowledge. These test scores may also be used to determine, in part, whether an individual should be reaccredited (see below).

B. Online Learning Portal

The VFW Online Learning Portal (OLP) is a tool designed to help NVS provide training and resources in an electronic format available for use by any accredited representative. The Online Learning Portal is generally considered supplemental training and may only be used as a replacement for in-person training conferences when authorized by the Director, NVS.

- Accounts will be established by NVS once a complete VFW accreditation packet has been approved by the NVS Director.
- Accounts are to be accessed by the individual user only. Accounts are not to be shared or transferred to unauthorized individuals.
- Account profiles must be edited by the user and the following items should be included:
    a. Biographical Info
        i. Title / Position
        ii. Office Location
        iii. Department or Agency
    b. Avatar / Profile pictures must be a recent individual photo of the accredited representative that is appropriate for a professional environment.
    c. Any content violating the above standards or deemed inappropriate will be deleted and your supervisor may be notified.
- All courses are accessible to all users unless otherwise annotated. However, some courses may be deemed mandatory at the discretion of NVS. If a course is deemed mandatory, NVS will enroll the user as necessary.

Unless otherwise specified in the course catalog, enrolled course are to be completed within 90 days after being assigned to the user.

C. VA Required Training

VA requires that VSOs with access to VA computer systems undergo annual training requirements and verification of Veteran relatives. In addition to VSOs with access to VA computer systems, VFW requires that all employees with access to our claims management software, TVB, undergo annual Health Insurance Portability and Accountability Act (HIPPA) and Information and Security training to ensure our clients' data is properly safeguarded.

Note: The training of state and county service officers is the responsibility of their employer. However, the VFW expects that all state and county service officers accredited to represent veterans be adequately trained. Adequate training means that the service officer receives sufficient initial training to competently represent veterans and other claimants before VA. It also means that the service officer receives continuing training throughout the year as needed to

maintain and improve skills. Failure to adequately train state and county service officers may result in the revocation of accreditation of the state or county service officer.

6. Reaccreditation

VA requires the reaccreditation of service officers every 5 years. As a consequence, VFW devised a strategy to assess individual character and acceptable job proficiency. This approach includes:

- Reviewing information from various sources to determine the number and frequency of complaints about service to claimants;
- Feedback from Department leadership; and,
- Test scores

All VFW Accredited Representatives (DSOs, ADSOs, Claims Consultants, State & County Representatives) – Starting August 1, 2016, VFW requires at least one background investigation be conducted as a condition of reaccreditation. Employers of VFW-accredited service officers must certify that a background investigation has been conducted for each employee who is to be reaccredited with the VFW and that no criminal conviction or other impropriety has been identified. Further, the employer must certify that there are no known character problems with the service officer to be recertified. VA completes a new background check with the Office of Personnel Management whenever VA PIV cards are issued and when accredited representatives are granted VA systems access. As a result, NVS considers it sufficient to verify that a background check was completed if the candidate for accreditation can demonstrate that an OPM background check was conducted within the past year or if the candidate has a valid VA PIV badge with VA systems access.

Failure to submit required certifications - Certification that a background investigation has been conducted and a certification that the service officer has no known character problems must be received within 60 days of the request from NVS. Failure to submit both certifications will result in a suspension of accreditation with the VFW. Failure to submit the required certifications within an additional 60 day period will result in the revocation of accreditation with the VFW.

Those individuals of good character and reputation, who demonstrate adequate job knowledge through either consistent test scores greater than 70% or score greater than 70% on the reaccreditation test, will be reaccredited as long as their Department leadership has no objection.

Those VFW accredited service officers who attend VFW training and who are of good character and reputation who do not have a successful record on tests will be given a reaccreditation test. Those who pass with a minimum of 70% will be reaccredited. Those who do not pass will be provided learning aids and other assistance and will be retested. Failure to pass subsequent accreditation tests will result in denial of reaccreditation.

7. Revocation of accreditation

At such time as an individual is removed from duties as a VFW Accredited Representative the appropriate VFW Department, State, or County Authority must notify the Director, National Veterans Service within five duty days to revoke the individual's accreditation.

Accreditation of a VFW representative may be cancelled at any time by the General Counsel of the Department of Veterans Affairs or upon a recommendation to the General Counsel for such action by the Director, National Veterans Service, where clear and convincing evidence of one or more of the following is found:

A. Refuses to comply with or violates laws administered by the Department of Veterans Affairs or with regulations governing practice before the Department or other laws, regulations and/or policies applicable to accredited representatives or any facility at which accredited representatives perform services.

B. Knowingly presents a fraudulent claim before the Department of Veterans Affairs or before any other governmental department or agency, or knowingly submits false information in connection with a claim before such department or agency.

C. Requests, demands, or accepts compensation, in any form, for providing assistance or representation.

D. Engages in any other unlawful, unprofessional, or unethical practice such as deceiving, misleading or threatening a client. Neglects to prosecute a claim before the Department of Veterans Affairs in an expeditious manner. Fails to provide a reasonable and timely response to a request for evidence by the Department of Veterans Affairs. Intentionally discloses personally identifiable information received in relation to a claim to a third party other than the VA without a claimant's written permission. Deliberately withholds a client's application for benefits or evidence related thereto, from the Department of Veterans Affairs.

E. Fails to comply with all policy and procedure prescribed by the National Veterans Service Advisory Committee.

F. Failure by a VFW-accredited representative to regularly attend mandatory National Veterans Service training conferences as outlined in Section 5-Training, which includes all assigned classes and meetings, unless specifically exempted by the Director, National Veterans Service.

G. Failure to act in a professional manner towards veterans, family members, clients, co-workers, VA employees, and anyone seeking services from the VFW. All VFW offices will be free of harassment based upon race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law.

1. Those accredited by the VFW are expected to act courteously and professionally towards others at all times. Rude, discourteous, obnoxious or intimidating behavior reflects poorly both on the VFW and the individual. This is not acceptable.

2. The VFW will not tolerate sexual harassment. Sexual harassment may include but is not limited to:

    - Offering employment benefits in exchange for sexual favors.
    - Making or threatening reprisals after a negative response to sexual advances.
    - Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
    - Verbal conduct that includes making or using derogatory comments, epithets, slurs or jokes.
    - Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes or invitations.
    - Physical conduct that includes touching, assaulting or impeding or blocking movements.

3. The NVS will investigate complaints of unprofessional conduct & harassment, report to the appropriate employer, and depending on the findings, take appropriate action to include revocation of accreditation, if necessary.

8. National Guard and Reserves

VFW Accredited Representatives who are members of the National Guard or Reserves that are called to active-duty orders are prohibited from providing claims assistance in accordance 38 CFR 14.629(a)(3).

VFW POWERS OF ATTORNEY

1. A properly executed Power of Attorney through a VA form 21-22, *Appointment of Veterans Service Organization as Claimant's Representative* which appoints the VFW as representative, must be officially acknowledged by the Department of Veterans Affairs before the VFW may provide representation of any nature to such client.

2. A Power of Attorney shall name the "Veterans of Foreign Wars of the U.S." as representative without specifying the echelon or address of the VFW representation.

3. Information concerning a claimant will not be released any non-VFW accredited representative without a VA Form 21-0845 Authorization to Disclose Personal Information to a Third Party.

4. A Power of Attorney or other required designation shall not be refused or revoked by the VFW except for a compelling reason(s), and then only by the appropriate DSO or the Director, National Veterans Service. The Director, National Veterans Service may delegate this authority to a member of the NVS staff not lower than an Associate Director. Compelling reasons for refusing or revoking a Power of Attorney or other designation may include but are not limited to, the following:

   A. Abusive verbal or physical behavior toward a VFW representative or other VFW staff member, by a client or prospective client.

   B. Recording an accredited representative by a client without the representative's explicit written consent.

   C. Repeated and persistent failure by a client to cooperate with a VFW representative, placing the VFW in such a compromised position as to be unable to effectively represent the client's interest. A client submitting claim actions against the recommendations of their representative to include pursuing claims or appeals which, if granted, would not result in any additional benefits.

   D. Demonstrated pattern of repeated changes of powers of attorney or other required designations, where the claim or other matter for which the person seeks VFW representation is without apparent merit based on a reasonable evaluation of the circumstances.

   E. Interests, objectives, or actions of a client or prospective client that are fundamentally opposed to those of the VFW (to include but not limited to conviction of capital crimes, Tier III sex offenders, discrimination against others based upon race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law).

   F. Convincing evidence of subversive affiliations or activities by a client or prospective client, which demonstrates disloyalty to the United States.

   G. Fraud or attempted fraud by a client or prospective client in a claim or other matter before the same governmental department or agency before which he or she seeks VFW representation.

   H. Individuals with a dishonorable discharge from the military.

5. Upon VFW submission of revocation of Power of Attorney to VA, the DSO or Office Supervisor must notify the client in writing that VFW is revoking Power of Attorney as well as notify the NVS Director or their delegate of the circumstances for the revocation.

6. The VFW will not accept a Power of Attorney when the prospective client is represented by an attorney or agent, notwithstanding Department of Veterans Affairs' regulations permitting such dual representation.

7. The VFW will not accept a Power of Attorney when access to any records is restricted by the claimant.

8. The VFW may accept a Power of Attorney if a prospective client provides a written statement attesting that representation by an attorney or agent has been revoked.

9. Notwithstanding Department of Veterans Affairs' regulations permitting dual representation, the VFW will revoke a Power of Attorney once a client has retained an attorney or other agency to represent or advise them before the VA on any claim for benefits.

10. Once an appeal to the Board of Veterans' Appeals (BVA) has been submitted to the Department of Veterans Affairs, a Power of Attorney may not be accepted by the VFW in a claim before the Department of Veterans Affairs unless compelling circumstances exist and advance approval is obtained from the Director, National Veterans Service or his designee. This does not preclude the VFW from accepting the Power of Attorney in subsequent claims before the Department of Veterans Affairs.

11. A Power of Attorney may not be revoked after a client's appeal to the BVA has been submitted without coordination and permission granted by the Director, NVS or their designee (not lower than an Associate Director).

12. A Power of Attorney or other required designation, shall not be refused or revoked by the VFW on the grounds of a client or prospective client's race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law, and shall not be refused or revoked on the grounds of length and type (including character) of service in the Armed Forces of the United States, except under conditions stipulated in 4(E) and 4(G) of this section.

13. A Power of Attorney shall not be refused or revoked by the VFW on the grounds that a claim before the Department of Veterans Affairs is contested. However, it shall not be incumbent upon the VFW to represent a person whose interests are opposed to those of a veteran, a widow or orphan, except when the opposing party has an apparent legal right to the benefit sought. In such exceptions and in the event the VFW receives a Power of Attorney from more than one party, it will accept (honor) the first Power of Attorney received.

14. A Power of Attorney or other required designation shall not be refused or revoked by the VFW because the client or prospective client is not a member of the VFW, regardless of whether they are eligible for such membership. VFW representatives, when appropriate, should inform clients of benefits accruing from membership in the VFW.

VFW REPRESENTATION - GENERAL

1. VFW Department Service Offices shall be assigned to the VA regional offices responsible for veterans within a Department's geographic boundaries. The Department Service Office shall be staffed by not less than one full-time VFW accredited representative appointed by their respective VFW Department Commander or appropriate designee. The VFW defines "assigned" to the regional office as the Department's primary point(s) of contact for all VFW work product at a specific VA regional office. The assigned representative does not have to be physically located at the VA regional office. In keeping with National VFW policy, a person who is not a member in good standing of the Veterans of Foreign Wars of the United States will not be employed as a State/Department Service Officer or an Assistant State/Department Service Officer. Exceptions to the location of the Department Service Office will be forwarded to the Chairman of the National Veterans Service Advisory Committee, through the Director, National Veterans Service, for approval.

2. Any individual accredited by the Department of Veterans Affairs as a VFW representative shall be fully responsible for compliance with all laws and regulations of each governmental department or agency governing confidentiality of information and release of information from official records. Information should only be released if authorized by the client, and only to the extent authorized. Client interactions, which discuss confidential information, will only occur in a confidential setting. *A subpoena is not sufficient authority for disclosure of VA records without the consent of the claimant (38 CFR 1.511(b)(2)). Subpoenas are to be sent to the NVS Director as soon as possible, so that they may be forwarded to VA Office of General Counsel for appropriate processing (38 CFR 14.807(b)).

3. VFW accredited representatives shall, under no circumstances, serve as guardians, committees or fiduciaries by any other designation, of veterans or other persons receiving benefits from the Department of Veterans Affairs.

4. Representation or other assistance by the National Veterans Service staff, DSOs, Assistant DSOs, District Service Officers, County Council Service Officer, Post Service Officers and by all other VFW representatives, is gratuitous and under no circumstances shall such representatives demand, request or receive remuneration in cash or in any other form, from persons to whom representation or other assistance is provided. The nature and extent of VFW representation in claims or other matters before the Department of Veterans Affairs shall, under no circumstances, be influenced or otherwise dependent upon a client's race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law, length and type of service in the Armed Forces of the United States (including character except as stipulated in section 4(G) of "VFW Powers of Attorney") and VFW membership status.

5. VFW representatives shall:

   A. Comply with all laws and regulations of the Department of Veteran Affairs.

B. Not knowingly represent a fraudulent claim before the Department of Veterans Affairs or before any other governmental department or agency, or not knowingly submit false information in connection with a claim before such department or agency.

C. Not commit any other unlawful, unprofessional or unethical practices such as deceiving, misleading, or threatening a client or prospective client; not neglect to prosecute a claim before the Department of Veteran Affairs in an expeditious manner; not fail to provide a reasonable and timely response to a request for evidence by the Department of Veterans Affairs; nor deliberately withhold a client's application for benefits from the Department of Veterans Affairs, or from any other governmental department or agency.

6. Post/District Service Officers

The primary task of a Post Service Officer (PSO) or District Service Officer is to provide information concerning Federal, state and local benefits for veterans, their families and survivors. In this capacity, Post/District Service Officers may provide applications or other forms to claimants; when requested, may help a claimant complete a form by acting as a recorder. The Post/District Service Officer:

A. Must have access to a current edition of the VFW *Guide for Post Service Officers* and shall perform duties in accordance with instructions contained therein.

B. Be under the general supervision of the DSO and shall comply with the direction of the DSO to include participating in scheduled Post/District Service Officer training facilitated by the DSO.

C. Will not establish or solicit to establish office hours at VA facilities (not limited, but to include, Regional Benefits Offices, hospitals, Community Based Outpatient Clinics, & Vet Centers).

D. Must not make direct contact concerning a claim or other matter, with the Department of Veterans Affairs or with any other governmental department or agency without a VA Form 21-0845 Third Party Consent from the claimant to do so. All status updates and other inquiries must be routed through the DSO. Should a Post/District Service Officer inquire on the status of a claim or other benefits on behalf of a claimant, the DSO must only provide their response to the inquiring claimant, as disclosing information about specific claims is a violation of the law.

E. When acting as a recorder, the Post/District Service Officer is simply transcribing information provided by the claimant. At no time should the Post/District Service Officer make suggestions on how to frame information to make it appear more favorable or less harmful to the claimant. Under no circumstances will the Post/District Service Officer take possession of any form, record, or evidence furnished by a claimant for the purposes of filing a benefits claims with the Department of Veterans Affairs. **Under no circumstances will the Post/District Service Officer retain any personally identifiable information (PII) concerning the claimant or the claimants' family. Any forms, records, or evidence furnished by the claimant must be immediately**

returned to the claimant with instructions on how to submit their benefits claim with the DSO or to the appropriate federal authority.

F. Under no circumstances should a Post/District Service Officer counsel a claimant on their individual claim. While a Post/District Service Officer provides information concerning various government benefit programs, he/she should not offer any guidance or opinion as to the individual claim itself. General statements about the types of evidence necessary to support a claim can be described; however, a Post/District Service Officer must **never** discuss the nature or merits of any particular claim.

G. The Order of Business for VFW Posts prescribed in the VFW Ritual requires that the PSO submit a report at each Post business meeting. The report should summarize the activities of the PSO since the last report but should never include any personally identifiable information concerning any veteran, family member of a veteran, a survivor nor any other person living or dead.

H. The VFW Manual of Procedure requires that District Service Officers assist their Post Service Officers. This includes ensuring Post Service Officers located within their District attend District and/or Department Service Officer receive training.

7. Representation at the VFW Department level in a claim or other matter involving an insurance policy issued by the Department of Veterans Affairs, generally shall be limited to advising and assisting the client in preparing the appropriate form(s) and in procuring supporting evidence.

A. Claims involving National Service Life Insurance (NSLI), United States Government Life Insurance (USGLI), Veterans Mortgage Life Insurance (VMLI), and claims which involve any other insurance policy issued by the Department of Veterans Affairs and inquiries concerning insurance matters shall generally be referred to VA's Insurance Center toll-free number 1-800-669-8477 between 8:30 am and 6 pm Eastern Time. Veterans with questions about VA's various life insurance plans, should go to VA's Internet site at www.insurance.va.gov/.

B. VFW representatives shall not represent a person in a legal suit concerning any government or other life insurance policy before a United States District Court or any other court.

8. Special Mission VAROs

A. Foreign Claims: A claim for disability compensation benefits administered by the Department of Veterans Affairs (other than insurance) where the client resides outside the 50 states which comprise the United States, generally shall be referred to the VFW Department Service Office at the Pittsburgh, PA VA Regional Office for processing and representation.

- The Manila VARO processes disability compensation, pension, and survivor related claims for clients living in the Philippines.

- The St. Paul Pension Management Center process pension and survivor claims for clients living in Mexico, Central and South America, and in the Caribbean.
- The Philadelphia Pension Management Center process pension and survivor claims for clients living in any foreign country **other than** the Philippines, Mexico, Central and South America, or the Caribbean.

B. Decision Review Operations Centers (DROCs): VBA has consolidated Appeals Modernization Act (AMA) higher-level review (HLR) processing. These DROCs are responsible for the centralized processing of HLRs, HLR returns due to duty-to-assist (DTA) errors, AMA full grants by the BVA, and AMA Board remands. The DROCs are located in:
    - Seattle, Washington
    - St. Petersburg, Florida
    - Washington, District of Columbia

C. VBA has assigned jurisdiction of special mission claims to specific VAROs. This allows VAROs to have specified teams which have undergone in-depth training to handle the complexities of special mission claims as outlined below:
    - In-service death of a service member – Philadelphia
    - Claims for VBA employees and accredited representatives are processed at Restricted Access Claim Centers (RACCs) – St. Paul, Milwaukee, and San Diego
    - Radiation exposure claims– Jackson
    - Mustard gas or Lewisite exposure claims – Muskogee
    - Contaminated drinking water at Camp Lejeune claims – Louisville
    - Forfeiture cases – Roanoke
    - Children's birth defects due to parent's herbicide exposure – Denver
    - Military Sexual Trauma – Indianapolis, Lincoln, Muskogee, Nashville, Portland, and San Juan
    - Blue Water Navy – Phoenix, Roanoke, Salt Lake City, St. Louis, St. Paul, St. Petersburg, and Waco
    - Nehmer claims for Veterans – Oakland, Reno, Roanoke, St. Louis, St. Paul, and St. Petersburg.
    - Nehmer claims for Survivors – Philadelphia, Phoenix, Salt Lake City, Togus, and Waco
    - Integrated Disability Evaluation System (IDES) – Providence and Seattle

D. System Access: DSOs, ADSOs, & Claim Consultants will establish VA remote systems access through the Department of Veterans Affairs so that they may still perform the key functions of a VFW Accredited Representative.

E. Due to the vast geographical areas covered by the foreign departments (i.e., Europe & Pacific Areas), foreign departments are encouraged to have multiple accredited representatives spread out through the department to ensure VFW representation is

available to clients living overseas in dense veteran & military populations (Japan, Korea, etc.)

9. A claim under the VA Restored Entitlement Program for Survivors (REPS) concerning basic eligibility shall be represented by the VFW Department Service Office at the respective VA regional office. Once basic eligibility is established, the case is forwarded to the St. Louis VA Regional Office, for a determination on REPS entitlement. Inquiries and other matters related to the claim shall be transmitted to the VFW Department Service Office at the St. Louis VA Regional Office.

10. Veterans with pending claims under any VA education program, including the Post 9/11 GI Bill, should call 1-888-GI-BILL (1-888-442-4551**).** Veterans with questions about VA's various education programs should go to VA's Internet site at www.gibill.va.gov.

11. Basic and minimum standards of professionalism for VFW Service Officers and representatives are outlined in the Code of Conduct for VFW Representatives.

VFW REPRESENTATION - ADMINISTRATIVE

1. At the discretion of the DSO, VFW accredited representatives, particularly those not stationed at VA regional offices, have the authority to submit correspondence, applications, evidence, etc., pertaining to individual claims for benefits administered by the Department of Veterans Affairs directly to the Department of Veterans Affairs either through the consolidated mail facilities or through electronic submission. The appropriate VFW Department Service Officer should also be apprised of this claim action through appropriate channels.

   A. In the event that an accredited representative does not submit a claim to VA in a timely manner, it shall be incumbent on the accredited representative's employer to make reparation through appropriate channels for any monetary damages that occurred as a result of the untimely submission.

   B. In the event that a claim is submitted timely to the DSO but is not subsequently submitted timely to the VA, it shall be incumbent on the DSO's employer to make reparation through appropriate channels for any monetary damages that occurred as a result of the untimely submission.

2. DSOs, Assistant DSOs, claims consultants and claims representatives are subject to the professional and technical supervision of the Director, National Veterans Service and/or their designee.

3. DSOs and Assistant DSOs shall transmit all inquiries, etc., requiring consideration by the central office of the Department of Veterans Affairs to the Director, National Veterans Service. The Director may delegate the authority to review these requests.

A. DSOs shall transmit, in writing, all formal requests for Administrative Review of VA regional office claims decisions to the Director, National Veterans Service. Such requests are to contain the specific reason(s) for Administrative Review along with technical supporting rationale. The foregoing is not intended to prohibit the DSO (or a designated Assistant DSO) from discussing the advisability of Administrative Review by telephone or other means, with National Veterans Service staff, prior to the formal written request by the DSO.

B. DSOs shall transmit, in writing, all formal requests for reconsideration of Board of Veterans' Appeals decisions to the VFW Manager, Board of Veteran Appeals. Such requests are to contain the specific reason(s) for reconsideration along with technical supporting rationale. If a personal hearing in reference to reconsideration is desired, this shall be so stated on the request. The foregoing is not intended to prohibit the DSO or a designated Assistant DSO from discussing the advisability of reconsideration by telephone or other means, with the National Veterans Service staff prior to the formal written request by the DSO.

C. In the case of a formal request for either Administrative Review or reconsideration of a Department of Veterans Affairs' decision, where the Director, National Veterans Service or staff designee determines that the requirements for submission of the request to the Department of Veterans Affairs are not met, the Director, or designee, will so notify the appropriate DSO in writing, setting forth the reason(s) why such request is not appropriate.

4. Each region has a dedicated NVS staff member who serves as a Regional Quality Assurance Specialist. These specialists provide technical expertise, mentorship, and support to Department service office staff and other VFW accredited representatives. They will respond to service officer calls, respond to requests for assistance in SEP, monitor VSO Notification Queues for trends and errors, and attend VBA meetings for the VAROs in their region. If, after exhausting professional channels at a VA regional office or medical facility a DSO is unable to resolve an administrative conflict or issue, he or she may contact their Regional Quality Assurance Specialist for appropriate action. At the discretion of the NVS Director, Regional Quality Assurance Specialists can also provide claims assistance to cover gaps in VA Regional Offices when VFW Departments experience turnover.

5. Each VFW Department Service Office and each National Veterans Service staff office shall maintain a library of current reference material. This library may consist of printed material, electronic files or both. The National Veterans Service shall keep each office informed, as far as practical, of the most currently needed resource material.

6. DSOs, Assistant DSOs, claims consultants, and claims representatives who are stationed at VA regional offices and approved locations, shall, if feasible, attend all Department of Veterans Affairs sponsored training at their respective stations.

7. Each VFW Department Service Office should develop, and actively conduct, a veterans' outreach program. DSOs are encouraged to collaborate with local chapters of veteran's

groups that are partnered with the VFW such as other VSOs, student veteran groups (SVA), community stakeholders, Department of Veteran Affairs & other government agencies in order to maximize outreach efforts and to participate in local events (stand downs, claim's clinics, yellow ribbon ceremonies, etc.).

8. VFW Department Service Office files shall not be co-mingled with files of other veteran service organizations. The exceptions to this are those offices operated by state or county government agencies, in which case those agencies must ensure the security and confidentiality of such VFW records, by prohibiting their access to other than staff members who are accredited to the VFW.

9. DSOs shall provide monthly activity reports to their respective VFW Department Headquarters. Each VFW Department Headquarters may require additional activity reports for their service office, which may include information the Department seeks for outreach to claimants for the purposes of organizational growth. Such requests for claimant information must comply with VA regulations and state laws on consumer privacy.

10. DSOs shall conduct at least one VFW Post Service Officers School of Instruction for all Post, County and District Service Officers in the Department, during each VFW year. Such individuals will be encouraged to attend this training. DSOs shall provide an annual Post Service Officer School of Instruction report to both their Department Headquarters and the Director, National Veterans Service by the end of June. The report shall include the date and location of the training, topics taught, and a roster of attendees.

11. VFW Department Service Office personnel and members of the National Veterans Service staff shall dress and otherwise conduct themselves in a professional and businesslike manner, during the course of business activities.

12. No Department Service Office personnel nor members of the VFW National Veterans Service staff shall engage in commercial or political activity in such a manner as likely to falsely convey or imply that such activity is approved or endorsed by the VFW to include solicitation on behalf of non-approved commercial enterprises, displaying of political paraphernalia, or wearing of political attire in service offices or during the performance of their official duties as a VFW accredited representative.

13. All official correspondence by DSOs, Assistant DSOs and members of the National Veterans Service staff shall be on VFW letterhead. The exceptions are those DSOs and Assistant DSOs employed by state or county government agencies, who are expected to use appropriate agency letterhead.

VFW REPRESENTATION - TECHNICAL

1. VFW accredited representatives are charged with accepting claims from and advocating for veterans who claim benefits and services under Federal law administered by the Department of Veterans Affairs. VFW representatives will not refuse to take any claim for benefits if the claim may result from additional benefits being granted under Federal law.

2. VFW representatives at all echelons shall apprise each client of all benefits to which he or she may be entitled.

3. VFW representatives shall confirm the identity of potential clients by asking for Personal Identifiable Information or requesting to see photo identification.

4. DSOs, Assistant DSOs, National Veterans Service staff members and all other VFW accredited representatives, shall not withhold the submission of a claim for benefits administered by the Department of Veterans Affairs, except for the most compelling reason(s), if such withholding in a claim subsequently resolved in favor of the client, would deprive the client of an earlier effective date of the benefit.

5. DSOs have the authority to certify the authenticity of copies of certain official documents to VA regional offices in individual benefit claims upon completion of VA formal instruction and training.

6. Where a client has filed, or wishes to file, a claim before the Department of Veterans Affairs for a greater compensable rating for a service connected disability, it shall be incumbent upon the DSO or appropriate Veterans of Foreign Wars accredited representative, to advise the client that the Department of Veterans Affairs may decide not only to deny the increased rating, but can also result in the existing rating being reduced.

7. It shall be incumbent upon the DSO, Assistant DSO or appropriate Veterans of Foreign Wars accredited representative, to assist a client in all aspects of a claim before the Department of Veterans Affairs; and to prosecute such claim to the fullest extent and in a timely manner before such department or agency.

8. In the event that a DSO, Assistant DSO, or an Accredited Representative is contacted by a client who resides in another geographical location covered by a different VFW Department, State Agency, or has been receiving assistance from another VFW accredited representative, the office contacted should email the representative who had been assisting the client in a timely fashion (within one business day).

    A. The DSO or office supervisor and the office's corporate mailbox should be copied on the email.

    B. If the representative making the referral does not receive a response from the representative or DSO at the claimant's local station within three business days, the representative originally contacted by the claimant should notify NVS via the DSO helpdesk (dsohelpdesk@vfw.org) that a reply has not yet been received along with performing a courtesy submission of any forms or evidence received by the claimant (if applicable).

9. It shall be incumbent upon the DSO, Assistant DSO or appropriate Veterans of Foreign Wars representative, to ensure that each client is afforded all rights to due process under all Department of Veterans Affairs statutes and regulations.

10. In counseling a client concerning a claim before the Department of Veterans Affairs, the DSO, Assistant DSO, or appropriate Veterans of Foreign Wars accredited representative, will ascertain all areas where evidence is needed, and assist the client in every reasonable way, to obtain such evidence. Once a claim for VA entitlements has been formally filed, all evidence pertinent to that claim should be submitted.

11. In the event that a client is not ready to submit a claim due to the need to collect evidence, the DSO, Assistant DSO, or appropriate Veterans of Foreign Wars accredited representative will submit an Intent to File (ITF) on VA Form 21-0966 prior to the conclusion of the month in order to retain the earliest possible effective date.

12. In the event that a claim action is not filed timely by a VFW accredited representative, the accredited representative will take the following actions:

    A. Immediately notify the office supervisor and department adjutant.

    B. The office supervisor and/or department adjutant will in turn notify the NVS Director, Deputy Director, or Assistant Director Compensation & Pension Policy.

    C. NVS will annotate the occurrence, should the need for documentation arise in the future.

13. In the event an accredited representative is contacted by a claimant seeking damages from a VFW entity (Department or National) alleging that the VFW did not submit a claim in a timely fashion:

    A. Immediately notify the Office Supervisor, Department Commander, Department Adjutant, and Department Quartermaster

    B. The Office Supervisor and/or Department leadership will in turn notify the NVS Director, NVS Deputy Director, or NVS Assistant Director Compensation & Pension Policy for informational purposes only.

    C. Responsibility to review potentially misfiled claims resides with the employer (VFW Department or National) of the representative responsible for the allegation.

    D. Responsibility for potential financial damages resides solely with the employer of the responsible party as outlined in "VFW Representation – Administrative, parts 1.a and 1.b.

    NVS may provide technical assistance to VFW Departments in an attempt to determine responsibility.

**If at any point during this process the Department Commander determines the Department will assume responsibility for benefits lost due to the untimely actions of their employee, the Department may negotiate a settlement between the claimant and the Department. Should a Department elect to take responsibility and negotiate a settlement, the Department shall furnish a copy of the settlement agreement to the Director, National Veterans Service.*

14. On each occasion that the DSO, Assistant DSO or appropriate Veterans of Foreign Wars accredited representative submits evidence in support of a benefit claim to the appropriate VA regional office, such submission shall include a standard submittal letter (or where applicable, state or county government agency) coversheet with agency letterhead, identifying the evidence attached and stating in specific and technical terms, the value of such evidence as it pertains to the claim.

15. Upon being contacted by the client, the DSOs and Assistant DSOs shall counsel each client whose claim is denied, in whole or in part by the VA regional office, on the right to initially appeal such denial by filing a Decision Review Request. If such appeal is initiated, the DSO or Assistant DSO shall again counsel the client on whether or not to further perfect the appeal (filing VA form 10182, *Decision Review Request: Board Appeal (Notice of Disagreement)*). A client should not necessarily be encouraged to appeal an adverse decision by the VA regional office, if in the best professional judgment of the DSO or Assistant DSO, there exists a statutory or regulatory bar to the benefit sought by the client. This does not preclude responsibility to continue to provide representation if the client still intends to initiate such appeal.

16. Although, as part of due process, it is the responsibility of the Department of Veterans Affairs to inform a client of the right to a personal hearing(s) in connection with a benefit claim. Upon being contacted by the client, the DSO or Assistant DSO will also apprise each client, whose claim is denied, of the right to this personal hearing with a VFW representative before Department of Veterans Affairs personnel at the VA regional office of jurisdiction and/or before the Board of Veterans' Appeals.

17. If a DSO formally requests Administrative Review of a VA regional office decision, all appropriate measures to protect the client's appellate rights must also be accomplished. The National Veterans Service staff will also verify, upon receipt of request for Administrative Review, that the client's appellate rights, are protected.

18. Where an internal administrative appeal, or correction of a Clear and Unmistakable Error (CUE) of a benefit claim decision is initiated by an official of a VA regional office, the DSO at that station shall not join in the administrative appeal and shall so advise the client not to join in such appeal. Should compelling circumstances exist that might suggest otherwise in a particular case, permission for the DSO to join in the appeal shall be obtained from the Director, National Veterans Service.

19. A DSO is to use the utmost discretion in requesting, through the respective VA regional office, an independent medical expert (IME) opinion in support of a benefit claim and must

seek the advice of the Assistant Director for Compensation and Pension Policy, National Veterans Service, as to whether such request is appropriate.

20. A DSO, Assistant DSO, or any VFW Accredited Representative may sign a VA Form 20-0995 Decision Review Request: Supplemental Claim, VA Form 20-0996 Decision Review Request: Higher-Level Review, or VA Form 10182 Decision Review Request: Board Appeal (Notice of Disagreement) in a benefit claim before the Department of Veterans Affairs, but the utmost discretion is to be exercised. Written approval should be solicited from the client, if at all possible.

21. In completing VA Form 10182, *Decision Review Request: Board Appeal (Notice of Disagreement)* in a benefit claim before the Department of Veterans Affairs, the DSO, Assistant DSO, or VFW Accredited Representative from the Veteran's Local Station shall:

    A. Identify the issue(s) on appeal meaning the issue(s) which were covered in the Rating Decision or Statement of the Case or any subsequent Supplemental Statement of the Case, provided by the regional office in response to a Notice of Disagreement;

    B. Summarize the pertinent evidence, stating in specific and technical terms, the value of such evidence as it pertains to the issue(s), to include where practicable procuring a statement from the veteran or eligible beneficiary summarizing the contentions and desired outcome;

    C. Cite the applicable governing criteria (law, regulation, court decisions, etc.) which the representative believes are applicable by the evidence contained in the claims file;

    D. Identify any discrepancy, error, omission, etc., contained in the Rating Decision or Statement of the Case or in any Supplemental Statement of the Case;

    E. Where applicable, state or reiterate the client's desire for a personal hearing before the Board of Veterans' Appeals. Virtual hearings are considered another means of hosting a personal hearing;

    F. Where applicable, request again that the Department of Veterans Affairs conduct an examination if prior requests to the VA regional office were unsuccessful or inadequate and in the opinion of the DSO, Assistant DSO, or VFW Accredited Representative an examination is essential to the issue(s) on appeal (supporting rationale for such request must be provided); and,

    H. Request where applicable, additional development but only if the DSO or Assistant DSO has previously officially requested, without success, to have such development done by the VA regional office.

22. NVS has an appeals team consisting of an Associate Director and Appeals Consultants. These consultants are responsible for ensuring that appellants claims have been properly developed and that an effective argument is advanced to support the issues on appeal. The

role of the NVS BVA team is to help ensure that effective coordination is conducted with the appellant, the applicable DSO, and the Board of Veterans Appeals. When assigned by the Associate Director, Appeals Consultants will complete live or virtual hearings, prepare supplemental written argument on behalf of the appellant, or provide technical assistance to the appellant's DSO or other local accredited representative to facilitate the same. Their role is to ensure compliance with the DSO's responsibilities in the preceding sections.

23. Where evidence is received in a VFW Department Service Office in support of a claim on appeal and after the claims file has been transferred to the Board of Veterans' Appeals, such evidence shall be submitted in accordance with the provisions of Title 38 Code of Federal Regulations §§ 20.800 and 20.1304 and in coordination with the VFW Manager, Board of Veteran Appeals.

24. At no time should any VFW accredited individual withdraw a client's claim or appeal, or withdraw a specific issue on a claim or appeal without written consent from the client. If a client wishes to withdraw a claim or a specific issue in a claim currently being processed by the Department of Veterans Affairs, the client must submit a signed request to the appropriate Veterans of Foreign Wars accredited representative expressing their intention to withdraw.

25. Notwithstanding VA's rules allowing hearings to be held without claimants, VFW accredited representatives are not required to conduct hearings without the claimant present.

26. VFW accredited representatives may only withdraw a request for a hearing without the claimant's authorization when a full grant of benefits sought may be granted without holding the hearing.

27. In the rare occurrence that the VFW accredited representative feels there is the possibility of a conflict of interest in representing a client at any point within the claims process, it shall be incumbent upon he/she to notify the Director, NVS or their designee of such situation and to seek guidance as to how to proceed, (ex., VFW Accredited Representative is a former VA decision maker such as a(n) RVSR, DRO, VLJ, etc. and previously adjudicated any of the issues/contentions currently before the VA.)

DEPARTMENT SERVICE OFFICE STAFF

1. Section 516 of the Manual of Procedure requires each Department to have a Department Service Officer (DSO), Department Service Officers are appointed by the Department Commander. The DSO and ADSO may be removed by the Commander at any time; however, removal of salaried DSO's and ADSO's must be approved by a majority of the Department Council of Administration.

2. Appointment and removal of other Department service office staff, including the Assistant DSO, Claims Consultants and support staff, is governed by Department policies.

3. Department service office staff are to follow their Department's respective policies to include attendance, leave, and reporting policies. The Director, NVS will no longer grant excused training absences from required attendees without the prior approval from the Department Commander or their authorized representative. Department leadership authorizing an employee's absence must transmit a letter or email to NVS informing the Director of such approval.

4. All other disputes involving employment actions of the Department are not within the jurisdiction of the National Veterans Service.

5. The Director, NVS, is available to Department officers to discuss service office policies, procedures and practices. The Director may respond to questions on other matters including personnel issues posed by Department officers; however, decisions on hiring, disciplining and terminating service office staff remain solely within the province of the Department.

6. Decisions by the Director, NVS, to accredit or remove accreditation of Department service office staff are governed by VA regulations and other sections of this Policy and Procedure.

DUTIES OF A DEPARTMENT SERVICE OFFICER

In most service offices, a Department Service Officer is the office supervisor. Unless superseded by written Department policies, supervisory duties are the responsibility of the DSO.

In addition to the duties of a service officer outlined in other sections of this Policy and Procedure, a Department Service Officer is responsible for the following:

1. The Department Service Officer is responsible for everything that happens in his/her office.

    A. Supervision of personnel: This includes the supervision of Assistant DSO's, Claims Consultants, support staff and any other Department employee, volunteer or intern working in that office. Supervision is a broad term intended to encompass all of the routine duties and responsibilities of a first line supervisor. Supervision includes any administrative duties assigned by Department leadership.

    B. Office procedures: The DSO is responsible for establishing and maintaining office procedures. At a minimum,
        i. Every telephone call received or made should be logged by the recipient.
        ii. Every visitor should either be signed in or logged in.
        iii. Office hours should be posted.
        iv. All claims, including Intent to File forms, received by the VFW must be filed with VA prior to midnight on the last day of the month in which they were received. This includes claims taken by out based service officers. If the VA mail room is closed, claims should be submitted to VA by fax, or through the appropriate electronic method such as SEP.

v. Every VFW Department-run Service Office shall have a VA corporate mailbox with encryption capabilities. State-run VFW Department Service Offices may also seek to establish VA corporate email boxes for similar purposes.

C. Training
   i. The DSO is responsible for ensuring that service office personnel are properly trained. This encompasses both initial and continuing education.
   ii. The DSO is encouraged to utilize all opportunities and modalities to provide training to staff. Formal classroom instruction, OJT, video, computer and other training methods are all viable options. VFW provided training is outlined elsewhere in this Policy and Procedure. Service officers should take advantage of VA provided training whenever it is offered.
   iii. All VFW staff must be trained on the use of necessary VA & VFW electronic programs.
   iv. NVS provides mentorship to new DSO's. For more information, contact the Assistant Director, Compensation & Pension Policy, the Assistant Director or Associate Director, NVS Training & Quality Assurance.

D. Workload management
   i. Managing the work that comes into a VFW service office is critical to ensuring that claims are properly developed, filed with VA and monitored throughout the claims process.
   ii. The DSO shall have Sensitive 7 Access to VA Files. The primary ADSO shall have Sensitive 6 Access to VA Files.
   iii. NVS currently provides claims management software, Tyler's Veterans Benefits (TVB), for use in VFW offices assigned to VA regional offices and other approved locations. DSOs will ensure that representatives which have been provided access to TVB will document claimant's demographic and military service information, claim actions, and communications with claimants. See appendix A for the complete list of fields required to be entered into TVB. For more information concerning TVB, its acquisition and use, DSO's should contact the Assistant Director, Compensation & Pension Policy, the Assistant Director or Associate Director, Training & Quality Assurance.
   iv. Client records in TVB may only be marked as confidential upon approval by the Director, NVS or their designee (not lower than an Associate Director).

E. Standardized Messaging.

The DSO will ensure that there is continuity between the office's voicemail greetings, email auto replies, and door signage which will include the following information:
   i. Accurate office hours
   ii. Estimated communication response times
   iii. Instructions on scheduling VFW appointments, consultations, and/or

walk-in information

iv. Instructions on submitting documents directly to VA, should the claimant be approaching a VA filing deadline.
v. Email signature blocks should include the representative's name, Office of General Counsel Accreditation Number, office location, and organization.
vi. Instruct claimants never to leave PII (such as social security numbers) in voicemails or emails.

Email autoreply example: *Thank you for emailing the VFW Office located at the XXXXX VA Regional Benefits Office. Our Office Hours are Monday thru Friday 0800-1600 hrs. If you are attempting to schedule an appointment, please do so by emailing our corporate mailbox at XXXX.XXXX@va.gov with your name, best contact information, and a brief explanation of the assistance you are seeking. We strive to respond to all communications within 48 business hours. As we cannot guarantee the security of outside emails, please DO NOT LEAVE any personally identifiable information such as social security numbers. If you are approaching a VA filing deadline (such as an Intent to File expiration date or disagreeing with a VA decision), please submit the appropriate form referenced in your VA letter directly to VA. When doing so, please retain proof of submission (ex. Fax confirmation page).*

Benefits Delivery at Discharge (BDD) Program

National Veterans Service has accredited representatives to represent separating active-duty military personnel by assisting with bases Transition Assistance Programs (TAP) as well as assist with the preparation, development, submission, and review of claims for transitioning service members' before the Department of Veterans Affairs. VFW BDD representatives are located on various DOD installations where they provided benefits assistance services to service members as they transition from active duty. NVS BDD representative services are intended for service members that are within 180 days prior to discharge to one year post discharge. VFW BDD Representatives are instructed to refer veterans not eligible for VFW BDD services to the veteran's DSO.

Rating Decisions resulting from claims submitted by BDD representatives are reviewed by NVS Ratings representatives. Rating Decisions for BDD claims submitted by Department Service Office staff may be reviewed by the Department Service Office that submitted the claim.

VFW REPRESENTATION (GENERAL)
U.S. COURT OF APPEALS FOR VETERANS CLAIMS

The Veterans of Foreign Wars does not represent individuals at the Court of Appeals for Veterans Claims (CAVC).

Individuals who are dissatisfied with a Board of Veterans Appeals decision in their case should strongly consider legal representation. While individuals may represent themselves in an appeal

to the CAVC, service officers should discourage this practice as unrepresented individuals routinely experience unfavorable outcomes at a higher rate than do those represented by legal counsel. Two places where representation information may be found are the Veterans Consortium Pro Bono Program (http://www.vetsprobono.org/) and the Public List of Practitioners found on the CAVC website (https://www.uscourts.cavc.gov/public_list.php).

However, nothing in this section prohibits NVS from entering into an agreement with a law firm to offer representational activities at the CAVC and other appellate courts for individuals represented by the VFW at the Board of Veterans Appeals. Select VFW accredited attorneys may be authorized to review recent BVA decisions and determine if any issue may have appellate merit. If so, VFW will notify selected claimants and offer them the opportunity to be represented on appeal free. Once the CAVC issues a decision, VFW will resume their representation at VA.

VFW NATIONAL VETERANS SERVICE GRANTS

The criteria for dispersing restricted grants for veterans service activities are no longer included in this Policy and Procedure. Any questions regarding service grant disbursement should be referred to the office of the Quartermaster General. The VFW National Council of Administration has directed National Veterans Service to review the manner in which the VFW disburses NVS restricted grants in consultation with the Quartermaster General and other concerned parties every three (3) years.

The following is meant to be a guideline for Departments to follow in the expenditure of grant monies related to their service office operation.

1. All grant monies paid to Departments are for the current VFW year.

2. Funds granted to Departments for veterans service activities are subject to the following restriction:

   Monies paid to the Department must be dedicated toward accredited representation of eligible service members, veterans, and dependents seeking benefits from the Department of Veterans Affairs, assisting veterans in navigating other federal, state, or municipal benefit programs, and for the training, outreach, and facilitation of these benefit-assistance activities.

3. Examples of ways the funds can be utilized to support these activities include, but are not limited to:

   A. Purchasing or upgrading office furnishings for the Department Service Office or field offices for VFW-accredited individuals.

   B. Purchasing additional computers, printers, or other office equipment and supplies related to the preparation or submission of claims by VFW-accredited individuals. Such supplies may include ink, toner, bulk paper, postage, etc.

   C. Travel, lodging, mileage and/or other expenses associated with outreach activities of the DSO/ADSO or other VFW-accredited representatives.

D. Costs associated with attending annual NVS training.

E. Purchasing media and other reference materials such as 38 Code of Federal Regulation or Lexus Nexus legal reference service, development and printing of service office promotional materials, outreach materials, NVS collateral materials, etc.

F. Costs associated with hosting or attending annual Post Service Officer training, Schools of Instruction, or other professional development.

4. If the Department is in doubt as to the proper application of funds, they are encouraged to contact the Director, NVS or the office of the Quartermaster General.

5. Departments are reminded that NVS grant monies are strictly related to veterans service activities and shall not be deposited into the Department General Fund. It would be optimal if the Department Quartermaster maintained a separate line item to account for these restricted grants.

6. Departments are required to provide an explanation of the usage of all funds received for veterans service activities at the end of the current VFW year. Departments that fail to comply with this instruction will be unable to receive grant money for the ensuing year until such time as a full accounting is provided to the Director, NVS and office of the Quartermaster General.

Any and all grant monies paid to a Department for veterans service activities that remain unexpended at the end of the VFW year must be returned to VFW National Headquarters. Failure to return unexpended funds may result in a dollar-for-dollar reduction in future veterans service grant funding

VFW COMPUTER SECURITY

1) VA has extended its IT security measures to all Service Organization computers attached to its system (including laptop computers) which we must take advantage of. The VFW has a responsibility to veterans and their families to protect the personal information which we acquire in the everyday course of business.

2) Offices in government provided spaces:
   a) All VFW offices in government provided spaces must be closed and locked whenever the office is not occupied by a VFW employee. It only takes a minute for someone to slip into an office and grab a claims file or other information off a desk, table, or shelf.

   b) Each VFW office must have at least one locking file cabinet. All records whether VA or VFW, which identify a veteran/claimant in some manner, must be securely stored and locked at the close of business each day or whenever the office is being left alone. Offices shall store new documents electronically in the appropriate secured claims database.

c) Those who work in government provided space which cannot be locked (e.g., cubical) must ensure that all computer equipment and information containing veteran identifiable data is secured whenever the VFW employee is away from their space.

3) Encryption and security devices

a) VA has selected the encryption software it intends to use on VA computers and has agreed to install it on Service Organization desk and laptop computers. VFW will conform to the requirements of VA for any computers connected to the VA network.

b) Individuals and their staff accredited by the VFW will utilize encryption software when it is offered by VA.

c) Departments should ensure that laptops purchased for use by Department Service Office employees, or any other individual who expects to work with the personal information of veterans, dependents and survivors, conform to VA computer purchasing requirements at the time the purchase is made.

d) Prior to purchasing a new computer, Departments should contact the VA facility where the equipment is to be used in order to obtain the latest specifications on equipment VA is purchasing for itself. Departments should purchase computers that conform to the type and specifications shown by VA to ensure compatibility with VA computer systems.

e) All computers used by VFW personnel at a minimum must be password protected. Laptops must have II Tier Protection. Departments should ensure that laptops purchased for use by Department Service Officers and other personnel that contain personally identifiable information of veterans and other claimants must be encrypted.

4) Desktop Computers

a) Desktop computers in Regional Offices and connected to the VA intranet must be set up in accordance with VA policies. VFW Service Office personnel will cooperate with VA IT personnel in ensuring that all anti-virus and firewall software is current and enabled.

b) External hard drives, USB Flash Drives and other portable electronic data storage devices must be stored in a locked drawer when not in use regardless of memory content. Each will be routinely purged of data that is either saved to a more secure hard drive or is no longer needed.

c) All electronic documents containing identifying information of veterans and other claimants must be saved to the appropriate secure claims database.

d) VA IT policy will dictate whether a user will log off at the end of the workday or turn off the computer. Logging off, rather than turning off, a computer allows the System Operator (VA) to update anti-virus protection software overnight. VFW personnel should follow the directions of VA IT personnel in determining whether to log off or turn off their PC.

5) Laptop computers/tablets used as a desktop computer.

a) VFW personnel should follow the same procedures outlined above for desktop computers whenever a laptop computer is used in lieu of a desktop.

b) Cable locks – if required, cable locks can be used to secure a laptop to a desk or other immobile object. These locks should be used to secure any laptop that is not locked in a drawer or filing cabinet when an office is closed.

6) Data gathered during outreach.

VFW expects Service Officers to perform outreach activities using laptop computers or tablets. It is not unusual for the this type of equipment to remain out of the office for an evening or weekend. The guidance below should be followed:

a) Laptops/Tablets should be secured in the trunk of a car while traveling and must be brought into the Service Officer's home and secured overnight. Under no circumstances should a computer be left unsecured. Service Officers may be held responsible for the theft of an unsecured computer. Under no circumstances will a laptop or tablet with veteran or claimant data be connected to an unsecured wireless network (e.g,. Starbucks). Laptops/tablets should never be left unattended. They must be secured in a locked drawer, cabinet or room overnight.

b) If properly using the office's secured claims database, under no circumstances should veteran or claimant data be retained on a laptop, tablet, external hard drive, flash drive or other data storage device.

7) Security of paper records, CD's, DVD's, external hard drives, flash (USB) drives and other media storage

a) Paper records, CD's, DVD's, external hard drives, flash (USB) drives and other portable media storage which contain veteran data must be secured in a locked drawer or file cabinet whenever they are not in use.

b) Transmission of veteran specific data by e-mail should be avoided unless encrypted or if the client has a signed Consent to Non-Secure Email form on file.

c) No documents or photocopies of documents received from the VA or a claimant should be removed from the Regional Office.

d) Since most e-mail is open and unsecured communication, a Service Officer should never click on unsolicited links or respond to unsolicited messages as this can expose computer systems to malicious software that can compromise networks and clients' data. A Service Officer should also never transmit client-specific information over non-encrypted email channels without the written consent of the client to communicate via non-encrypted or unsecured email channels.

e) The faxed transmission of veteran specific data should be done extremely carefully. The appropriate VA provided fax cover sheet should always accompany any faxed document which clearly identifies the transmitting and receiving individuals.

f) Paper records should be hand carried to the VA whenever possible. Should it be necessary to mail paper records between Medical Centers and Regional Offices, CD's, DVD's or other records, VA's internal mail system should be used if possible. When shipping records through VA's internal mail system is not possible, FedEx or similar shipping service should be utilized. This is because packages can be tracked through a shipping service while most forms of US mail cannot be tracked.

g) Shredding – If your VA Regional Office does not provide shredding services, every VFW office should have a shredder; a confetti shredder is preferred. Any veteran/claimant specific information which is no longer necessary should be shredded. Some Service Officers occasionally work away from the office. All documents with veteran or claimant specific information that is no longer needed should always be shredded.

8) Security Breaches:
   a) Any security breach must be immediately reported to your immediate supervisor, the Director, National Veterans Service, and the facilities manager.
      i) This notification should include the approximate time the breach occurred, when the breach was discovered, what was compromised, and who has been notified.
   b) In the event of a loss of data:
      (i) Immediately notify your immediate supervisor of the loss. Your report should include the approximate time or date of the loss, what was taken (e.g., flash drive; laptop), and how many veterans or claimants records were compromised.
      (ii) Send an e-mail to the Director, National Veterans Service with the same information you reported to your supervisor.
      (iii) If this loss occurred in a VA Regional Office or VA Medical Center, notify the VA Regional Office Security Officer or other designated individual. If the loss occurred outside a VA facility (e.g., laptop stolen from a home or car; flash drive lost), notify the police, your superior, and the Director, National Veterans Service.
      (iv) Cooperate. It is the national policy of the VFW that we will cooperate with law enforcement and data security officials at VA when veteran data is compromised.

NOTE: ANY MATTER NOT SPECIFICALLY COVERED IN THIS *POLICY AND PROCEDURE* SHALL BE REFERRED TO THE NATIONAL VETERANS SERVICE ADVISORY COMMITTEE THROUGH THE DIRECTOR, NATIONAL VETERANS SERVICE, FOR RESOLUTION.

ADOPTION

The *Policy and Procedure* contained herein was adopted by the National Veterans Service Advisory Committee on **July 27, 2024,** and supersedes all previous editions and amendments. Future amendments as approved by the Committee will be issued as replacement pages, supplemental pages, or by complete revision in relation to the extent of the amendments.

CODE OF CONDUCT FOR VFW REPRESENTATIVES

1. Do not knowingly present a fraudulent claim or submit false information in connection with a claim before any government agency.

2. Do not engage in any unlawful, unprofessional or unethical practice such as deceiving or misleading a client.

3. Remember that you are fully responsible for compliance with all laws and regulations of each government department or agency governing confidentiality of information and release of information from official records. Information should be released only if authorized by the client, and only to the extent authorized.

4. As a VFW accredited representative, under no circumstances, should you serve as guardian, committee or fiduciary by any other designation, of veterans or other persons receiving benefits from the Department of Veterans Affairs.

5. Representation by the VFW is gratuitous and under no circumstances should you demand, request or receive remuneration in cash or in any other form, from persons to whom representation or other assistance is provided.

6. VFW representatives will refrain from the use of racial, religious, age-related, sexual or ethnic epithets, innuendoes, slurs or jokes in the work place.

7. In dealings with all clients, VFW representatives must conduct themselves in a totally professional manner and refrain from sexual advances, verbal or physical conduct of a sexual nature, or requests for sexual favors.

8. Discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law is strictly prohibited.

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Appendix A

Data Fields Required to be Entered into TVB

Veteran's Menu	Assignment	Military Service Menu
First Name	Field Office	Branch of Service
Last Name	Assigned To	Date Entered into Service
Email Address		Date Separated from Service
Mobile Phone Number		Service Medal (select "Other and type VFW member eligible or device into text box)
Address		
City		
State		
Zip		