

VETERANS OF FOREIGN WARS OF THE UNITED STATES  
NATIONAL VETERANS SERVICE

**POLICY AND PROCEDURE**

AUTHORITY

Section 615 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.

VFW NATIONAL VETERANS SERVICE

1. In accordance with the policy and instruction of the National Veterans Service 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.

### VETERANS AFFAIRS VOLUNTARY SERVICE

The Director, National Veterans Service, shall serve as the VFW National Representative on the Department of Veterans Affairs Voluntary Service (VAVS) National Advisory Committee and shall:

1. Designate a member(s) of the National Veterans Service staff to serve as Deputy National VAVS Representative(s) on such committee;
2. Prepare and distribute VAVS information in pamphlet or other form, for the guidance of VFW Department Commanders, VFW Department Hospital Chairpersons, and VFW VAVS representatives on individual Department of Veterans Affairs' Medical Center VAVS Advisory committees.

### VFW VOLUNTEER PROGRAM

The Director, National Veterans Service, shall administer the VFW Volunteer Program and shall:

- A. Designate a member of the National Veterans Service staff to serve as the program coordinator;
- B. Prepare and distribute information, in pamphlet or other form, for the guidance of VFW Department Commanders, VFW Department Volunteer Coordinators and VFW Facility Volunteer Coordinators.

### VFW GUIDE FOR POST SERVICE OFFICERS

1. The Director, National Veterans Service, shall prepare and publish a revised edition of the "*VFW GUIDE FOR POST SERVICE OFFICERS*" during the first quarter of each odd numbered calendar year.
2. Each VFW Department Service Officer (hereinafter referred to as DSO) shall ensure that all VFW Post, District and County Council Service Officers in the Department have a current edition of the VFW Guide.

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.

DSO support staff 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 folders, to "sign off" on rating decisions or prepare a VA form 646. The accreditation only authorizes support staff access to the VA's Benefits Delivery Network and other related software systems.

VFW may certify the following individuals for accreditation provided they meet the eligibility criteria established by both VA and VFW as described elsewhere in this section:

- Department and Assistant Department Service Officers
- Claims Consultants
- Select state service officers
- Select county service officers
- NVS staff
- Others as determined on a case-by-case basis by the Director, NVS

Certain county and state service officers are accredited for the sole purpose of providing information to claimants, assisting them in completing applications or other claims to VA, and receiving claimant information from VA either in person, by telephone, or electronically.

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

claim files or represent claimants in hearings, sign-off on ratings, prepare VA Forms 646 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 of veterans affairs whose principle accreditation is to the state, county or to another veterans service organization, and functions full-time in veterans service work; 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. Every person seeking certification by the VFW must complete the VFW *Application for Accreditation* and the VA Form 21, *Application for Accreditation as Service Organization Representative*. Failure to complete both forms completely will delay certification by the Director, NVS. Any omission, misrepresentation or falsification of information on either form may be grounds for revocation of accreditation.

- B. Both applications will be submitted through the DSO, who will review each form for completeness and accuracy. Any problems noted on the applications should be resolved prior to submission to the Department Commander.
- 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. Applications for accreditation from the ten Departments with 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 Assistant Director for Veterans Benefits Policy will review each application for accreditation. Any problems will be resolved before submission to 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* and a VFW accredited representative's certificate.

#### **4. 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.

The VFW training program is intended to provide substantive recurring training primarily to those service officers and claims consultants who work in VA regional offices. The VFW provides the following training on a recurring basis:

- Phase I: This training is a one week course designed to provide a comprehensive overview of the veterans benefits programs administered by VA. It includes substantial practical exercises and drills. Target audience: all new DSO's, Assistant DSO's and Claims Consultants hired within the previous year. *NOTE: attendance is optional, at the request of the Department, for those Assistant DSOs and Claims Consultants not stationed in the regional office.*

- **Proficiency Training (PTC):** The PTC is held in the Spring. This conference provides more than 30 hours of advanced instruction on policy issues, technical workshops and clinical presentations. VFW program orientation is included to ensure that the target audience understands the benefits and services offered by VFW to its members and others. Target audience: all DSO's and one other service officer from the regional office.
- **Skill Level Training (SLT):** Skill Level Training is 30-40 hours of instruction held annually in the Fall. Participants are divided into two groups based on years of accreditation with VFW. This training focuses on increasing the knowledge and skill set of participants. Expert instructors provide comprehensive training designed to enhance a service officer's ability to understand rating and complex authorization issues. Target audience: (BASIC) DSO's, Assistant DSO's and Claims Consultants stationed in a regional office with 1-5 years experience; (ADVANCED) DSO's, Assistant DSO's and Claims Consultants stationed in a regional office with over 5 years experience.

VFW provides training for VFW accredited individuals who work in VA regional offices. 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 governments, are responsible for providing regular quality training to its service officers.

Training is required as follows:

<b>Position</b>	<b>Primary Workplace</b>	<b>Required VFW Training</b>
DSO's <sup>1</sup>	Regional Office	Phase I, PTC, SLT
Assistant DSO's <sup>2</sup>	Regional Office	Phase I, SLT, (PTC*)
Assistant DSO's <sup>3</sup>	Regional Office	Phase I, (PTC**, SLT**)
Assistant DSO's	Not at Regional Office	Phase I, Department-Provided Training
Claims Consultants <sup>2</sup>	Regional Office	Phase I, (PTC*), SLT
County VSO's	County	County/State-sponsored training
State VSO's	Not at Regional Office	County/State-sponsored training

<sup>1</sup>Includes both VFW-paid DSO and State-paid DSO located in a regional office.

<sup>2</sup>VFW employee.

<sup>3</sup>State employee.

\*NOTE: The primary Assistant DSO, or Claims Consultant if there is no DSO, from each service office located in a regional office must also attend the PTC.

\*\*NOTE: Only one Assistant DSO from each service office located in a regional office may attend the PTC and Skill Level Training if they are state employees.

The VFW pays for required training as shown in the Table above. However, anyone accredited by VFW can attend training for a fee on a space-available basis. The Director, NVS, should be contacted for more information on the cost and availability of training.

All those accredited by the VFW not included in Phase I, the PTC or Skill Level Training, above, are responsible for obtaining initial and continuing training through their employer. Information on training resources may be obtained from the NVS Training Manager. State, county and Department supervisors will provide verification of completion of training upon request of the Director, NVS.

Testing is conducted following Phase I, 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).

## **5. Reaccreditation**

In 2008, VA began requiring 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

Those individuals of good character and reputation, who demonstrate adequate job knowledge through either consistent success on tests or a passing score on the reaccreditation test, will be reaccredited as long as their Department leadership has no objection.

Those individuals of good character and reputation who do not have a successful record on tests will be given a reaccreditation test. Those who pass 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.

## **6. Revocation of accreditation**

Accreditation of a VFW representative may be cancelled at any time on volition 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 concerning such representative, 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; without a claimant's written permission, intentionally discloses personally identifiable information received in relation to a claim to a third party other than the VA; or, 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 4-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 and VA employees.
  - 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 on the VFW and the individual, and is not acceptable.
  - 2. The NVS will investigate complaints of unprofessional conduct, report to the appropriate employer and, depending on the findings, take appropriate action to include revocation of accreditation, if necessary.

## **7. National Guard and Reserves**

VFW employees and others who are accredited by the VFW are encouraged to participate in the National Guard and the Reserves of the various military branches. The following actions will be taken whenever someone accredited by the VFW is ordered to active duty:

- A. Anyone accredited by the VFW who is ordered to active duty with the National Guard or Reserves must notify the Director, National Veterans Service, immediately upon receipt of those orders. That notice should contain the

following information: the last date of employment prior to entering on active duty; the approximate date on which they will be released from active duty; and, an indication whether he/she intends to resume their position as an accredited service officer upon their release from active duty.

- B. The Director, NVS, will notify the Department of Veterans Affairs that the accredited individual has been ordered to active duty and will request a suspension of accreditation to be effective on the day the individual reports for active duty.
- C. Upon return from active duty, the Department Commander or Adjutant must notify the Director, NVS, in writing that the accreditation of the individual should be restored. As part of this notification, the department official must certify that the individual remains of good character and meets the other requirements for accreditation contained in the NVS Policy and Procedures.
- D. Upon receipt of the request of the appropriate department official, and absent any information indicating that the individual should not be accredited, the Director, NVS, will ask the VA to restore the accreditation of the individual in question.

#### 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*, or other required designation signed by a client which appoints the VFW as representative, must be officially acknowledged by the Department of Veterans Affairs or other governmental department or agency, before the VFW may provide representation of any nature to such client in any matter related to such department or agency.
2. A Power of Attorney or other required designation, shall name the "Veterans of Foreign Wars of the U.S." as representative without specifying the echelon or address of the VFW representation, or the name of the person who is to represent (Social Security Administration is the exception because it requires a client to provide the name of the person(s) who will represent).
3. Information concerning a claimant will not be released to personnel in a VFW Post, County Council, District or Department without a separate specific document authorizing such disclosure. A VA Form 21-22 cannot be used for this purpose.
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 Assistant 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. 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.
  - C. 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.
  - D. Interests and objectives of a client or prospective client are fundamentally opposed to those of the VFW.
  - E. Convincing evidence of subversive affiliations or activities by a client or prospective client, which demonstrates disloyalty to the United States.
  - F. 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.
  - G. Individuals with a dishonorable discharge from the military.
5. 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.
  6. 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.
  7. Notwithstanding Department of Veterans Affairs regulations permitting dual representation, the VFW will revoke a Power of Attorney once a client has retained an attorney to represent them before the VA on any claim for benefits.
  8. Once a substantive appeal (VA Form 9, Appeal to the Board of Veterans' Appeals) 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.
  9. A Power of Attorney may not be revoked after the submission of a client's Substantive Appeal on a VA Form 9, *Appeal to the Board of Veterans' Appeals*,

without coordination with the NVS Appeals Section Supervisor and permission granted by the Assistant Director, Veterans Benefits Policy.

10. 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, sex or religious beliefs, 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.
11. 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.
12. A Power of Attorney or other required designation shall not be refused or revoked by the VFW on the grounds that the client or prospective client is not a member of the VFW, irrespective of whether he or she is 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 located within the appropriate VA regional office and staffed by not less than one full-time VFW accredited representative and full-time clerical support appointed by the respective VFW Department Commanders or other Department officials or committees which, have such jurisdiction and authority. 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 be released only if authorized by the client, and only to the extent authorized.
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.
5. The nature and extent of VFW representation in claims or other matters before the Department of Veterans Affairs or before any other governmental department or agency, shall, under no circumstances, be influenced or otherwise dependent upon a client's race, color, sex, religious beliefs, 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.
6. VFW representatives shall:
  - A. Comply with all laws and regulations of the governmental department or agency before which representation is provided.
  - 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 not deliberately withhold a client's application for benefits from the Department of Veterans Affairs or from any other governmental department or agency.
7. Representation by the VFW shall not necessarily be limited to claims and other matters before the Department of Veterans Affairs. Where circumstances permit, representation may be provided in claims or other matters before the Department of Defense Correction and Discharge Review Boards, Social Security Administration, and before other governmental departments and agencies.
8. A VFW Post Service Officer shall keep members of the Post apprised of veterans benefits offered by federal, state and local governments, and shall assist members of the Post, their dependents and survivors, and others, in preparing appropriate application forms for such benefits and in assembling supporting evidence. The Order of Business for VFW Posts prescribed in the VFW Ritual requires that the VFW Post Service Officer submit a report at each Post business meeting. Post, County Council and District Service Officers shall:

- A. 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 transmit all correspondence, applications, evidence, etc., in connection with benefit claims and other matters, to the DSO.
  - C. Not make direct contact concerning a claim or other matter, with the Department of Veterans Affairs or with any other governmental department or agency unless, because of the urgency in a specific case (such as immediate admission of an emergently ill veteran to a medical center), it is absolutely necessary to establish direct contact with an official(s) of the appropriate Department of Veterans Affairs facility.
9. Representation at the VFW Department level in a claim or other matter involving a Department of Defense Correction or Discharge Review Board or Department of Homeland Security with respect to United States Coast Guard claims, and appeals involving Combat Related Special Compensation (CRSC) or Combat Disability Pay (CDP), shall generally be advising and assisting the client in properly preparing the appropriate form(s) and in procuring supporting evidence. The DSO shall then forward the documents directly to the address of the branch of the Armed Forces service listed on the pertinent application form with notification provided to the National Service Office Supervisor located at the Washington (DC) VA Regional Office.
10. Representation at the VFW Department level in a claim or other matter involving employment, shall generally be limited to advising and where indicated, assisting the client in preparing the appropriate form(s) and/or letter(s), and in procuring supporting evidence. Inquiries on matters concerning employment shall be directed to the Assistant Director, Veterans Employment/Homeless Issues at the VFW Washington Office.
11. 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 the VFW Department Service Office at the Philadelphia VA Regional Office and Insurance Center for processing and further representation.

- 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.
12. A claim for 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. Exceptions are as follows:
    - A. A claim by a client residing in Mexico, Central America or South America shall generally be referred to the VFW Department Service Office at the Houston VA Regional Office, for processing and further representation.
    - B. A claim by a client residing in American Samoa or Guam generally shall be referred to the VFW Service Office at the Honolulu VA Regional Office, for processing and further representation.
    - C. A claim by a client residing in Puerto Rico or the U.S. Virgin Islands should be referred to the San Juan VA Regional Office, for processing and further representation.
    - D. A claim by a client residing in Canada should be referred to the VA Regional Office in White River Junction for processing and further representation.
    - E. A claim necessitating the adjudication at the Manila (Philippine Islands) VA Regional Office shall be referred to the VFW Pacific Areas Department Service Officer located at the Manila Regional Office.
  13. 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.
  14. A claim under the All-Volunteer Force Educational Assistance Program (Chapter 30 of Title 38 United States Code), irrespective of where the client resides, will be referred to the appropriate VA regional office in Atlanta, Buffalo, Muskogee or St. Louis, or at such other office future designated by the Department of Veterans Affairs. Inquiries and other matters related to the claim shall be transmitted to the VFW Department Service Officer at the appropriate VA regional office.
  15. A claim where a veteran's active military service predated July 16, 1903, generally shall be referred to the VFW National Service Office at the Washington, DC VA Regional Office, for processing and further representation.

16. Basic and minimum standards of professionalism for VFW Service Officers and representatives are outlined at Appendix 1 (Code of Conduct for VFW Representatives).

#### VFW REPRESENTATION - ADMINISTRATIVE

1. Post, County Council and District Service Officers, and VFW accredited representatives, particularly those not stationed at VA regional offices, shall transmit all correspondence, applications, evidence, etc., pertaining to individual claims for benefits administered by the Department of Veterans Affairs, or by any other governmental department or agency, to the VFW Department Service Office at the appropriate VA regional office.
2. DSOs, Assistant DSOs, claims consultants and claims representatives are subject to the professional and technical supervision of the Director, National Veterans Service.
3. DSOs and Assistant DSOs shall transmit all inquiries, etc., requiring consideration by the central office of the Department of Veterans Affairs or by the central office of any other federal governmental department or agency, 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 Director, National Veterans Service. 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. If, after exhausting professional channels at a VA regional office or medical facility, or at any other governmental department or agency, a DSO is unable to resolve an administrative conflict or issue with such department or agency, he or she may contact the Director, National Veterans Service for appropriate action.
5. Each VFW Department Service Office and each National Veterans Service staff office shall maintain a library of current reference material. The National Veterans Service shall keep each office informed, as far as practical, of the most current needed resource material.
6. DSOs, Assistant DSOs, claims consultants, and claims representatives who are stationed at VA regional offices, 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.
8. VFW Department Service Office files shall not be co-mingled with files of other veterans 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 and designated members of the National Veterans Service staff shall provide monthly activity reports to the Director, National Veterans Service. Such reports shall be of the nature and in the format prescribed by the Director.
10. DSOs should conduct at least one VFW Post Service Officers School for all Post, County and District Service Officers in the Department, during each Department fiscal year. Such individuals will be encouraged to attend this training.
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. 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 representatives at all echelons, shall apprise each client of all benefits to which he or she may be entitled.

2. DSOs, Assistant DSOs, National Veterans Service staff members and all other VFW 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), because such withholding in a claim subsequently resolved in favor of the client, may deprive the client of an earlier effective date of the benefit.
3. 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.
4. 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 representative, to advise the client that the Department of Veterans Affairs may decide not only to deny the increased rating, but, in rare circumstances, could also reduce the existing rating as well.
5. It shall be incumbent upon the DSO, Assistant DSO or appropriate Veterans of Foreign Wars representative, to assist a client in all aspects of a claim before the Department of Veterans Affairs or before any other governmental department or agency where we have agreed to assist; and to prosecute such claim to the fullest extent and in a timely manner before such department or agency.
6. It shall be incumbent upon the DSO, Assistant DSO or appropriate Veterans of Foreign Wars representative, to ensure an individual benefit claims before the Department of Veterans Affairs or before any other governmental department or agency, that each client is afforded all rights to due process under all laws and department or agency regulations.
7. In counseling a client concerning a claim before the Department of Veterans Affairs or before any other governmental department or agency, the DSO, Assistant DSO, or appropriate Veterans of Foreign Wars 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.
8. On each occasion that the DSO, Assistant DSO or appropriate Veterans of Foreign Wars representative submits evidence in support of a benefit claim to the appropriate VA regional office, such submission shall include a cover letter on Veterans of Foreign Wars (or where applicable, state or county government agency) letterhead, identifying the evidence attached and stating in specific and technical terms, the value of such evidence as it pertains to the claim. Stereotyped or "canned" statements and form letters should be avoided.

9. 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 Notice of Disagreement. 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 9, *Appeal to the Board of Veterans' Appeals*). 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.
10. 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, 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.
11. 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 a Department of Veterans Affairs claims folder, that the client's appellate rights, are protected.
12. Where an internal administrative appeal 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.
13. 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 should not hesitate to seek the advice of the Assistant Director for Veterans Benefits Policy, National Veterans Service, as to whether such request is appropriate. Where the DSO believes that a request is needed for an IME in support of an appeal under jurisdiction of the Board of Veterans' Appeals, he or she must seek the advice of the Assistant Director for Veterans Benefits Policy, before entering such request on any document submitted as part of the client's appeal.
14. A DSO or Assistant DSO may sign a Notice of Disagreement or VA form 9 in a benefit claim before the Department of Veterans Affairs, but the utmost discretion is to be exercised. Informal (verbal) approval should be solicited from the client, if at all possible.

15. In completing VA form 646, *Statement of Accredited Representative in Appealed Case*, in a benefit claim before the Department of Veterans Affairs, the DSO or Assistant DSO shall:
  - A. Identify the issue(s) on appeal meaning the issue(s) which was covered in the 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);
  - C. Cite the applicable governing criteria (law, regulation, court decisions, etc.) which the representative believes is applicable by the evidence contained in the claims folder;
  - D. Identify any discrepancy, error, omission, etc., contained in the 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;
  - F. Where applicable, request again that the Department of Veterans Affairs conduct an examination if prior requests to the VA regional office were unsuccessful and in the opinion of the DSO or Assistant DSO, an examination is essential to the issue(s) on appeal (supporting rationale for such request must be provided); and,
  - G. Request where applicable, and where outside the jurisdiction or authority of the DSO or Assistant DSO to accomplish, certain development felt necessary to the integrity of the claim, but only if the DSO or Assistant DSO has previously officially requested, without success, to have such development done by the VA regional office.
16. Where evidence is received in a VFW Department Service Office in support of a claim on appeal and after the claims folder has been physically 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 Appeals Section Supervisor, National Veterans Service located at the Board of Veterans' Appeals.

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

The Veterans of Foreign Wars is not currently representing 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.

The VFW does not endorse any individual attorney or any group of attorneys. However, 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 (<http://www.vetapp.gov/practitioners/>).

### VFW NATIONAL VETERANS SERVICE GRANTS

This section has been removed and is currently under rewrite as a separate document which may be obtained from the Director, NVS.

### VFW COMPUTER SECURITY

1. In May 2006 over 26 million veterans learned that their names, social security numbers and other personal information had been stolen from a VA employee. Millions of veterans and their families struggled in uncertainty while the VA danced around the issue of providing free credit monitoring for those put at risk of identity theft. We live in an age when more information is available to more people on more people than at any time in the history of the world.
2. 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.
3. Offices in government provided spaces
  - A. All VFW offices in government provided spaces must be closed and locked whenever the last VFW employee leaves the space for whatever reason. 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.
  - 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.

#### 4. 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 staffs accredited by the VFW will utilize encryption software when it is offered by VA.
- C. Security devices (e.g., Smart Card; biometric) also provide an additional level of data security.
- D. 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.
- E. 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.

#### 5. 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 an area assigned by VA on their server (VIMS). Your VA IT personnel should help you set up a VFW file on their hard drive.
- 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.

6. Laptop computers used as a desktop

- 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 – 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.

Note: Departments may purchase cable locks for computers used by Service Officers. However, cable locks purchased without prior approval of the Director, National Veterans Service, may not be reimbursed.

7. Data gathered during outreach

VFW expects Service Officers to perform outreach activities. Service Officers quite often use a laptop computer to show PowerPoint presentations, generate forms and store personal information of veterans and claimants in VIMS or other database. It is not unusual for the laptop computer to remain out of the office for an evening or weekend. The guidance below should be followed:

- A. Laptops should be secured in the trunk of a car while traveling and must be brought into the Service Officer's home and secured over night. Under no circumstances should a computer be left unsecured for even a moment. Service Officers may be held responsible for the theft of an unsecured computer.
- B. Under no circumstances will a laptop computer with veteran or claimant data be connected to an unsecured wireless network (e.g. Starbucks).
- C. Laptops that contain veteran or claimant data should never be left unattended. They must be secured in a locked drawer, cabinet or room over night.
- D. Veteran and claimant data must be downloaded to a secure computer located at a Regional Office and stored on the designated VA hard drive no later than the day on which a Service Officer returns to work.
- E. The Service Officer must check the laptop to ensure that all veteran and claimant data has been deleted from the laptop immediately after download. Under no circumstances should the computer contain veteran or claimant data once the employee returns to work.
- F. Under no circumstances should veteran or claimant data be retained on a laptop, external hard drive, flash drive or other data storage device after it has been downloaded to the office computer.

8. 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.
- C. VA claim files should never be removed from a VA Regional Office or Medical Center by a VFW accredited or employed individual. No documents or photocopies of documents received from the VA or a claimant should be removed from the Regional Office.
- D. Since e-mail is a totally open and unsecured method of communication which can be sent, a Service Officer should never respond to unsolicited e-mail with veteran specific information without first confirming that the sender is, in fact, the person whom he/she purports to be.
- E. The faxed transmission of veteran specific data should be done extremely carefully. A 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.

9. Miscellaneous

- A. Telephone recorded messages – Telephone recording machines are not always secure or may have their security features turned off which could allow an unauthorized person to listen to messages left on them. Consequently, after hours or out of office telephone messages should tell callers to **never leave their social security or VA claim numbers**. The Service Officer can always obtain the number when he/she returns the call.
- B. Shredding – 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. Any papers with veteran or claimant specific information no longer needed should never be thrown away without shredding.

## 10. Loss of data: everyone's worst nightmare

We have all read the story: a highly regarded VA analyst received a phone call from his wife that their home has been burglarized. He rushed home to find that a laptop and an external hard drive had been stolen. We can only imagine what flashed through his mind as he realized that the stolen computer equipment contained personal data on millions of living veterans. In an instant he knew the potential risk that the loss of that data represented to veterans everywhere, and that his disclosure of the loss would almost certainly end his otherwise successful government career.

What we do know is that he had the courage to pick up the telephone and notify his superiors of the theft. Whatever his faults, this VA employee had the character to ultimately do the right thing. We cannot and do not excuse the carelessness with which he treated these records; however, we can acknowledge this single act of personal courage.

So what should you do if you discover that veteran or claimant specific data has been disclosed, lost or stolen?

- A. Attempt to determine the extent of the data loss. Do not spend an inordinate amount of time on this activity since there will be time later to obtain a more exact assessment of the loss.
- B. 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.
- C. Send an e-mail to the Director, National Veterans Service with the same information you reported to your supervisor.
- D. 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.
- E. Cooperate. We have all seen news stories of people who get in more trouble for lying to investigators than they would have if they were honest and straightforward. 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 August 21, 2010, 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.

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