

Supportive Documentation

A. Description of the Course

TITLE: *“Qualified CLE Course to Maintain Accreditation with the Department of Veterans Affairs”*

SUBTITLE: *“How to Apply for Department Of Veterans Affairs Benefits for Senior Veterans and Their Survivors”* (This is the title of the college-level textbook/handbook which is the focus of the course along with a CD data disk with over 240 forms, procedures and reports)

Retail Cost of This Course Including the Textbook: \$169.00 (Certain groups can receive discounts and attorneys who have previously purchased the textbook receive credit from the course for the cost of the textbook.)

This course is approved for 3 hours of CLE by the Utah State Bar and includes the following

1. Over 100 narrated slides on a DVD video, presented in 6 modules and lasting 184 minutes
2. A 414 page college-level textbook/handbook entitled “How to Apply for Department Of Veterans Affairs Benefits for Senior Veterans and Their Survivors.”
3. A CD data disk with over 240 claim forms, support forms, reports, questionnaires and adjudication instructions for completing every type of disability claim for veterans – about 30 of them.
4. A certificate of completion which requires a training code number embedded in the DVD presentation to make the certificate valid and verifies the participant has viewed the presentation
5. DVD interactive video instruction with the following content
 - a. Introduction and Overview of the Course – 12 minutes
 - b. CLE Module 1 Representation and Claims Procedures – 21 minutes
 - c. CLE Module 2 Eligibility Criteria – 22 minutes
 - d. CLE Module 3 Pension and Death Pension – 44 minutes
 - e. CLE Module 4 Disability Compensation – 64 minutes
 - f. CLE Module 5 Dependency and Indemnity Compensation (DIC) – 10 minutes
 - g. CLE Module 6 Appeals – 23 minutes
 - h. Final Instructions and Other Important Information – 9 minutes
6. Total training seat time of 184 minutes – 3.1 hours (This is actual training time and does not include the introduction and final instruction modules on the DVD)

B. Description of the Method of Presentation

1. This training is designed as a college-course lecture which is used as an introduction to the textbook
2. The textbook – the engine driving this college level course – is the most complete and up-to-date instruction manual/handbook currently available for all types of veterans disability claims and is based on the new fully developed claim process from VA
3. The lecture is specifically designed to promote a learning experience and is not a video of a training conference with talking heads speaking extemporaneously
 - a. The lecture is based on a carefully scripted, interactive DVD, audiovisual presentation
 - b. The lecture is rich in information and visual support
 - c. The lecture references specific portions of the 414 page textbook provided with the course
 - d. The lecture instructs on the specific use of the accompanying data disk with over 240 forms and documents
4. The lecture introduces through 184 minutes of audiovisual presentation, 320 carefully scripted learning concepts referring to the following areas of veterans benefits as found in the textbook/handbook and other supplementary information furnished with the course
 - applicable federal code
 - applicable federal rules
 - definitions
 - general adjudication procedures
 - qualification requirements
 - application instructions for over 30 different types of disability claims
 - use of checklists
 - use of reports, pertinent forms, opinion letters and other important documentation
 - VA requirements for representation of veterans and requirements for CLE

C. Method of Evaluation and Tracking

1. Input from the course is encouraged
2. Online evaluation form available for participants to submit feedback
3. The faculty is available via email or phone for any questions or follow-up instruction
4. A course certificate of completion is provided under the following conditions
 - a. course participant certifies with a signature the completion of the course
 - b. course participant provides a course training code that is embedded in the training and can only be obtained by watching the lecture

D. Qualifications of the Faculty Presenting the Course

Thomas Day

Thomas Day is a veteran of the Vietnam War Era having served 4 1/2 years as an instructor pilot for the USAF in advanced jet aircraft. He is currently on claim for disability with the Department of Veterans Affairs and is an avid proponent of VA healthcare. Doctors in the VA health care system saved his life from a deteriorating nerve disease where private sector doctors could not figure it out. Tom is an Accredited Claims Agent with the Department of Veterans Affairs and has helped numerous veterans with their benefits. He is part of a select group of approximately 350 Accredited Claims Agents across the country. Claims Agents have been authorized by VA to assist veterans through specialized knowledge and successful completion of a comprehensive written exam by the Department covering over 1,200 pages of federal code and federal regulations.

Mr. Day has authored the following books and training courses on veterans benefits:

1. "Aid and Attendance Handbook for Professionals and Consultants" – 686 pages
2. "Accreditation Training Course for the Accredited Agents Exam from the Department Of Veterans Affairs" – course manual, study guide and practice exams and excerpts from 38 CFR
3. "How to Apply for Department Of Veterans Affairs Benefits for Senior Veterans and Their Survivors" – 414 pages

He has also authored the following books pertaining to eldercare:

1. "The 4 Steps of Long Term Care Planning" – 162 pages
2. "Life Resource Planning Handbook" – 542 pages
3. "Training Manual for Life Resource Planners" – 106 pages

Tom is currently the Director of the National Care Planning Council and he is a board member and Chief Training Service Officer for the Senior Veterans Service Alliance. He is also the author of over 120 articles pertaining to eldercare and veterans benefits. Tom is a graduate of the University of Utah with a Bachelor of Arts degree in physics and math and an MBA from the same institution.

E. Detailed Course Outline with the Actual Instruction Seat Time for Each Module – a Total of 184 Minutes

Module 1 – Representation and Claims Procedures, 21 minutes

- Requirement for Accreditation
- 3 Types of Claim Representatives
- About the Senior Veterans Service Alliance
- Requirements for Continuing Education
- VA Power Of Attorney
- Charging Fees
- VA Duty to Assist
- Understanding the Initial Submission of a Claim
- Reopening a Claim

Module 2 – Eligibility Criteria, 22 minutes

- Requirements for Service
- National Guard and Reserves
- Discharge Papers
- Character of Discharge
- Eligibility for Pension
- Eligibility for Pension (continued)
- Ongoing Medical Expenses Deductibility
- Eligibility for Death Pension
- Eligibility for Disability Compensation
- Eligibility for Dependency and Indemnity Compensation (DIC)
- Eligibility for Health Care Benefits
- VA Burial Benefits and Allowances

Module 3 – Pension and Death Pension, 44 minutes

- Pension and Death Pension
- Basic Eligibility
- Maximum Allowable Pension Rates (2013 figures)
- The Income Test
- Calculating a Pension Award
- Eligible Medical Expenses
- Determining the need for Aid and Attendance (38 CFR 3.351)
- Applications for Pension & Death Pension
- Asset Test 38 CFR 3.274

- Unoccupied Home
- Annuities the Gifting of Assets
- Three Types of Application for Pension or Death Pension
- Fully Developed Claim (proper documentation)
- Statement from Care Provider / Facility
- Pension Centers and Processing Time
- Informal Claim
- Retroactive Award
- Incompetency Proposals
- Importance of Keeping VA Informed
- Handling a Denial
- Status of Eligibility Verification Report (EVR)

Module 4 – Disability Compensation, 64 minutes

- The Backlog in Disability Compensation Claims
- The Veterans Service Center in the Regional Office
- Development of the Claim
- Overview of the Claim System in Our Course Textbook
- Understanding Disability Compensation
- Disability Compensation Benefits for 2013
- Understanding the Rating System
- The Rating
- Special Benefits under Disability Compensation
- Concurrent Benefits
- Four Necessary Requirements for a Successful Service-Connected Claim
- Understanding Service Requirements for Veterans Benefits
- Establishing Evidence of the Illness Injury or Aggravation That Occurred in Service
- Establishing Evidence for a Current Disabling Illness or Condition
- Establishing a Link between the Current Disability and the Illness, Injury or Condition That Occurred in Service
- Types of Claims Covered in Chapter 4 of the Textbook
 1. Submitting Application for an Informal Claim
 2. Application for Aid & Attendance or Housebound with Compensation and DIC
 3. Application for an Original Claim for DIC
 4. Reconsidering or Reopening a Claim for A & A, Compensation or DIC
 5. Specific Chronic Conditions Presumed Service-Connected with a Time Limit
 6. Prisoner of War – Chronic Conditions, Service-Connected with No Time Limit
 7. Ionizing Radiation – Chronic Conditions Presumed Service-Connected
 8. Agent Orange – Chronic Conditions, Service-Connected with No Time Limit
 9. Disability Caused by Illness, Combat or Other Injury Incurred in the Service
 10. Secondary Service Connection or Aggravation of an Existing Condition
 11. Exposure to Hazards, Chemicals and Harmful Environmental Conditions
 12. PTSD – Posttraumatic Stress Disorder
 13. Hearing Loss with or without Tinnitus

14. PTIU – Permanent and Total Disability Due to Individual Unemployability
 15. Gulf War Disorders – Service Connection Is Presumed with a Time Limit
 16. Request for Reevaluation or Change for an Existing Benefit
 17. Section 1151 Claim
 18. Tropical Diseases – Service Connection Is Presumed with a Time Limit
 19. Special Monthly Compensation (SMC)
 20. Specific Special Allowances
 21. HISA (Housing Improvement and Structural Alterations) Grants
- Using the Checklist from the Textbook – “Elements of the Fully Developed Claim”
 1. Decide Whether the Condition Warrants Making a Claim
 2. Always File an Informal Claim
 3. Get a Copy of Your Discharge and Locate Your Own Service Treatment Records (STR)
 4. Obtain Your Own Private Medical Records
 5. Have Your Private Doctors or Specialists Do Disability Evaluations
 6. Have Your Doctors/Specialists Provide Opinion Letters If Service Connection Is Needed
 7. Obtain or Produce Lay Evidence
 8. Locate Records to Establish Assignment Location or Type of Duty Where Applicable
 9. Make Sure the Evidence Conforms with the Rating Decision Criteria in Section C
 10. Understand the Claim Forms and the Forms for Obtaining Records
 11. Fill out the “Fully Developed Claim” Forms for the Claimed Benefit
 12. Check and Double Check Everything and Include All Necessary Forms
 13. Arrange for Representation and Third-Party Help If Needed
 14. Provide a Cover Letter to Help the Service Representative Understand the Claim
 15. Submit the Claim to Your Regional Office of Jurisdiction
 16. Understand the Acknowledgment Letter from Your Veterans Service Center
 17. Use VA Form 21-4138 for Purposes of Correspondence on the Claim
 18. Expect Scheduling of a Compensation and Pension Examination
 19. Decide How to Proceed if the Claimant Dies before the Claim Is Adjudicated
 - Using the Claim Support Data Disk and the Appendix from the Book
 - Examples of the More Common Disability Compensation Claims
 - Presumed Service-Connected Claims
 - Agent Orange Claims
 - Disability Caused by Illness, Combat or Other Injury Incurred in the Service
 - Secondary Service Connection or Aggravation of an Existing Condition
 - Exposure to Hazards or Environmental Conditions
 - PTSD
 - Hearing Loss with or without Tinnitus
 - Permanent and Total Disability Due to Individual Unemployability
 - Request for Reevaluation or Change for an Existing Benefit
 - Aid and Attendance and Housebound Claims

Module 5 – DIC (Dependency and Indemnity Compensation), 10 minutes

Description of DIC

Current DIC Rates – Effective 12/1/12 for the year 2013

More about DIC

Applying for Aid and Attendance or Housebound Benefits with an Existing DIC Claim

Five Different Types of DIC Claims

Module 6 – The Appeals Process, 23 minutes

VA Appeal (CHAPTER 8, pg. 263)

What Constitutes an Appeal?

Notice of Disagreement (NOD):

Decision Review Officer (DRO)

Statement of the Case (SOC)

Substantive Appeal

Final Review and Forward to Board of Veterans Appeals by the AOJ (Agency of Original Jurisdiction)

Board of Veterans Appeals

Additional Evidence

Request for reconsideration

Court of Appeals for Veterans Claims

Hiring a Representative

Fee Agreement - 38 C.F.R. § 14.636(g)(3)

F. Sample Certificate of Completion

CERTIFICATE *of* COMPLETION

THIS ACKNOWLEDGES THAT

John Doe

HAS SUCCESSFULLY COMPLETED THE REQUIRED
3 HOURS CONTINUING LEGAL EDUCATION TO MAINTAIN
ACCREDITATION WITH THE DEPARTMENT OF VETERANS AFFAIRS

X _____

SIGNED, *[Signatory Name]*, *[Signatory Title]* DATE COMPLETED _____

I certify that I have completed the 3 hours of qualifying CLE pertaining to veterans law under Title 38 §14.629(b)(4) covering the following topics: representation before VA, claims procedures, basic eligibility for VA benefits, right to appeal, disability compensation (38 U.S.C. Chapter 11), dependency and indemnity compensation (38 U.S.C. Chapter 13), and pension (38 U.S.C. Chapter 15). This CLE course entitled "Qualified CLE Course to Maintain Accreditation with the Department of Veterans Affairs," is approved by the Utah State Bar as furnished by the Senior Veterans Service Alliance with the corresponding course number provided on this certification. This CLE satisfies the requirements for initial and ongoing CLE. I am currently in good standing with every court, bar, or Federal or State agency to which I am admitted to practice or otherwise authorized to appear. I certify that the above statements are correct and true to the best of my knowledge.

THE VA USES YOUR REGISTRATION #, ADDRESS AND/OR PHONE TO TRACK ACCREDITATION, PLEASE FILL OUT THE INFORMATION VA HAS ON FILE BELOW:

VA REGISTRATION #: _____


ADDRESS: _____

PHONE: _____

IF YOUR ADDRESS AND/OR PHONE HAS BEEN CHANGED, PLEASE UPDATE BELOW AND VA WILL UPDATE YOUR RECORDS:

ADDRESS: _____

PHONE: _____




senior veterans
SERVICE ALLIANCE

COURSE NUMBER: _____

Thomas E Day

Board Member of the Senior Veterans Service Alliance and Chief Training Officer of www.seniorvets.org



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