



SUPPORTING VICTORIES FOR VETERANS

DAV[®]
KEEPING OUR PROMISE TO
AMERICA'S VETERANS

SERVICE DEPARTMENT WORKSHOP FEBRUARY 28, 2022, 9:00 A.M.

- JIM MARSZALEK – National Service Director
 - CHAD MOOS – Deputy National Service Director
 - SCOTT HOPE – Deputy National Service Director For Training
 - SCOTT TRIMARCHI – Assistant National Service Director
 - JUSTIN HART – Assistant National Service Director
 - STEVEN WOLF – Assistant National Service Director
 - JON RETZER – Assistant National Service Director
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APPELLANT HEARINGS

Scott Trimarchi

Appeals before the Board of Veterans Appeals

- Nearly 210K appeals pending (200,797)
- Nearly 83K hearings pending (82,766)
- 41% of pending appeals

Legacy Appeals

- 86K pending at BVA
- Travel Board hearings

Veterans Appeals Improvement Act of 2017 (AMA)

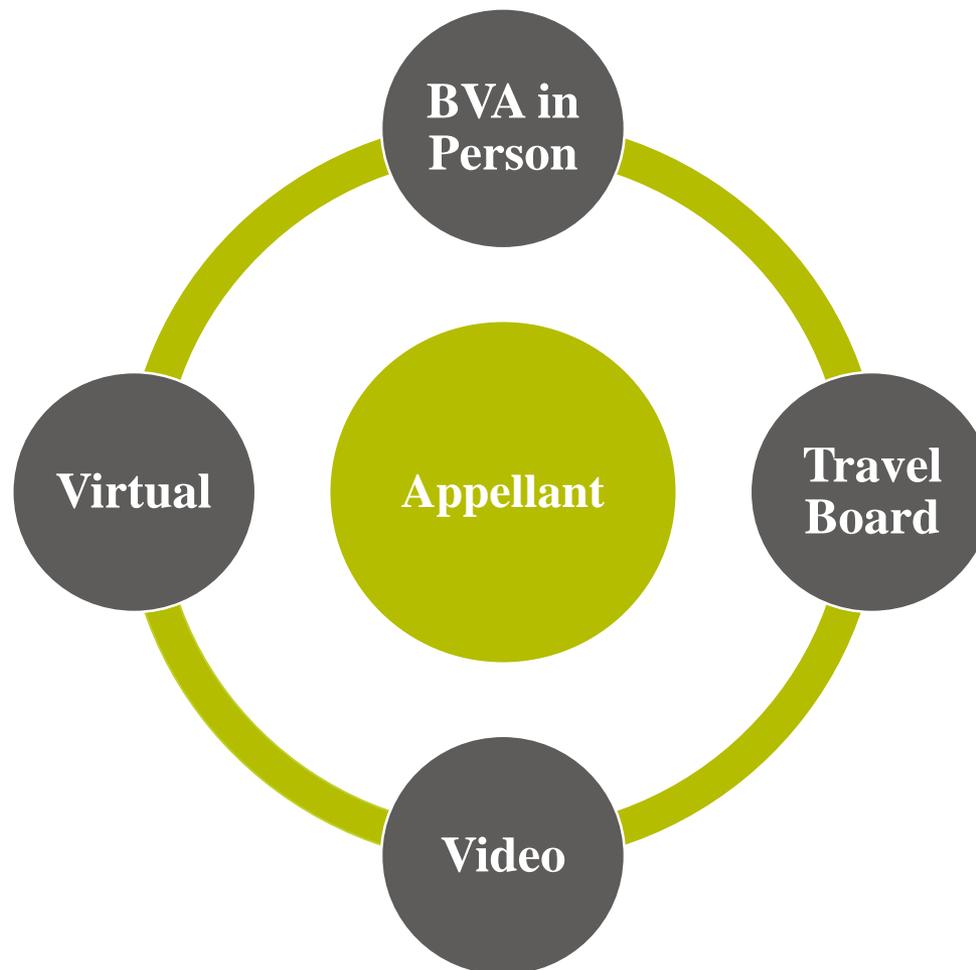
- Effective February 19, 2019
- 115K pending at BVA
- Gave Veterans choice with 3 lanes

Supplement Claim

Higher-Level Review

Appeal to BVA – Choose one of the three options

Types of Appeal Hearings



Average wait times for hearings

Legacy Hearings

- Travel Board Hearings (Legacy only) 5 years
- Legacy video conference hearings 3 years
- BVA in person Hearings 3 years

AMA Hearings

- The current average on AMA hearings is 496 days for every category.

Best Options

- Is a hearing necessary? Speak with your NSO.

**Program of Comprehensive
Assistance for Family
Caregivers (PCAFC)
Scott Hope**



Program of Comprehensive Assistance for Family Caregivers (PCAFC)

**The Veteran must have a serious injury,
which is a single or combined service-
connected disability rating of 70% or more.**

Served on or after September 11, 2001; or
on or before May 7, 1975;

Note - Eligibility for veterans of all eras will
expand on October 1, 2022.

The individual is in need of in-person personal care services for a minimum of six (6) continuous months based on any one of the following:

- An inability to perform an activity of daily living; or
- A need for supervision, protection, or instruction.



Program of Comprehensive Assistance for Family Caregivers (PCAFC)

Inability to Perform an Activity of Daily Living (ADL)

The “inability to perform an ADL” means the Veteran or service member requires personal care services each time he or she completes one or more of the ADLs listed below:

Inability to:

Dressing and undressing oneself.

Toileting or attending to toileting.

Bathing

Grooming oneself in order to keep oneself clean and presentable.

Mobility (walking, going up stairs, transferring from bed to chair, etc.)

Feeding oneself due to loss of coordination of upper extremities, extreme weakness, inability to swallow, or the need for a non-oral means of nutrition.

Adjusting any special prosthetic or orthopedic appliance, that by reason of the particular disability cannot be done without assistance (this does not include the adjustment of appliances that nondisabled persons would be unable to adjust without aid, such as supports, belts, lacing at the back, etc.).

Beaudette decision and impacts

- On July 28, 2021 United States Court of Appeals for Veterans Claims decided that claimants should be able to appeal the denial of care giver benefits. Good news but a complicated process.
- November 17, 2021 VA started notifying individuals who received PCAFC decision between May 2011 and September 27, 2021 of their rights to appeal. Expected over 400,000 decisions.
- VA is working to stand up their Appeals Modernization Act program which will allow:

The Ability to file a Supplement Claim

The Ability to request a Higher-Level Review

The Ability to Appeal to the Board of Veterans Appeals



Program of Comprehensive Assistance for Family Caregivers (PCAFC)

Resources Page for this section will be available on DAV.org are cited below.

Main Caregiver Link:

- <https://www.caregiver.va.gov/Announcements.asp#PCAFC%20Expansion%20Phase%201%20is%20Here>

Other Resources:

- [PCAFC - Appeal Options](#)
- [PCAFC - Eligibility Extension](#)
- [PCAFC - Eligibility has Expanded](#)
- <https://www.va.gov/find-forms/about-form-10-306/>
- [PCAFC -1099-NEC for Caregiver Stipend Payments](#) [Caregivers PCAFC - Application Process Fact Sheet](#) (PDF)
- [Caregivers PCAFC - Expansion Fact Sheet](#) (PDF)
- [Caregivers PCAFC - Eligibility Criteria Fact Sheet](#) (PDF)
- [Caregivers PCAFC - Legacy Participant Fact Sheet](#) (PDF)
- [Caregivers PCAFC - Monthly Stipend Fact Sheet](#) (PDF)
- https://www.va.gov/vaforms/medical/pdf/VA_%20Form_10-306.pdf
- https://www.caregiver.va.gov/pdfs/MIssionAct/EligibilityCriteriaFactsheet_Chapter2_Launch_Approved_Final_100120.pdf

VA Form 10-305 PCAFC Appeal Rights:

- https://www.va.gov/vaforms/medical/pdf/VA_Form_10-305.pdf

Care Giver Application:

- <https://www.va.gov/vaforms/medical/pdf/10-10CG.pdf>

DSO/CSO CERTIFICATION PROGRAM

Justin Hart

The Department and Chapter Service Officer Annual Training Program kicked off on January 1, 2002.

Department & Chapter Service Officers in 2021





DSO/CSO CERTIFICATION TRAINING

Certification Eligibility

Service Officer Nomination Form

DAV members must be nominated by their Department or Chapter Adjutant or Commander. A Department or Chapter can nominate as many as they like but only those who complete the training will be recognized as a Service Officer.

Level I Training

Introduction to Service Officer Responsibilities and Basic VA Programs and VA laws. All service officers must complete at least once, and must complete prior to taken Level II training.

Level II Training

More in-depth training focused on VA Programs, Regulations, Adjudication, and the Appeals Process. All DSOs are invited. CSOs with at least 2 years experience are considered.

Certification

Begins upon completion of training, and expires after 18 months. If needed, an extension can be requested with your national service office for those certified for three or more consecutive years.



DSO/CSO CERTIFICATION TRAINING

The Indemnification Program, or Insurance Coverage

- No cost to Departments or Chapters. Oversight and training provided by the National Service Department.
- Coverage for each claim up to a \$500,000 combined limit for all services.
- Certification training must be completed every 18 months, and all claims and evidence must be processed through a national service office.

Enhancements

Updated Service Officer Guide

New version includes Intent to File (ITF) claims being accepted with supplemental claims, new presumptive conditions due to exposure to particulate matter and herbicide exposure, and expansion on family caregiver information.

Digital Online Training System for DSO/CSOs

Exploring a platform allowing DSO/CSOs to become certified online. Individuals will have access to online training lessons, videos, and much more.

INFORMATION SEMINAR PROGRAM

Steve Wolf

- DAV is now conducting Information Seminars.
- What is an Information Seminar?
- How do you request an Information Seminar for my Chapter or Department?
- What happens after the request for an Information Seminar?

Tips:

- Date of event
- Event Location and Address
- Co-host your information seminar
- Invite families as well as veterans
- Modify your request for your particular needs







THANK YOU



Thanks again for your service.

We are grateful to work with you and help you support keeping our promise to America's Veterans.