



THE AMERICAN LEGION
Veterans Strengthening America

Service Officer Code of Procedures

Revised June 2022

legion.org

One of the most important responsibilities of an accredited representative of The American Legion (TAL) is to ensure that veterans and family members (“claimants”) receive Due Process under the laws and regulations of the Department of Veterans Affairs (VA).

Once an Appointment of a Veterans Service Organization as Claimant’s Representative (known as “Power of Attorney” or VA Form 21-22) has been completed by both the claimant and TAL, there exists a legal obligation for TAL to assist claimants in the development and submission of evidence and claims to VA.

Therefore, TAL representatives must understand:

1. When and how TAL becomes the representative of a claimant;
2. What TAL will and will not do for a veteran;
3. When and how TAL representation ends; and
4. TAL’s training and litigation partnership with the law firm Bergmann & Moore, LLC

Your service to our nation’s veterans and their family members is critical so they may achieve success in obtaining benefits. Thank you for your advocacy as a service officer for The American Legion.

This edition of the Code of Procedures, originally approved on November 11, 1954, by the Department Service Officers and the National Veterans Affairs and Rehabilitation Commission, contains both minor and major modifications, and is the most recent of several previous editions revised on the following dates: June 9, 1958; April 26, 1973; July 21, 1975; June 23, 1978; August 8, 1983; July 24, 1992; May 1, 1996; July 15, 2000; February 4, 2015 and June 6, 2022.

Most revisions to the content have been made for clarification purposes, as well as for the addition of more current material such as recent court rulings. These current revisions are primarily restatements of existing American Legion policy, Department of Veterans Affairs regulations and decisions by the U.S. Court of Appeals for Veterans Claims (CAVC).

This edition has been approved by the Chairman of The American Legion’s National Commission on Veterans Affairs and Rehabilitation and by the Director of the National Veterans Affairs and Rehabilitation Division in Washington, D.C.

Contents

- 1. Types of Representation 2
 - A. Claimants represented 2
 - B. Who may initiate representation 2
 - C. Claims TAL handles 2
 - D. Claimants TAL does not represent 3
- 2. How to properly authorize TAL representation 4
 - A. Essentials VA Form 21-22 4
 - B. Instructions for Completing VA Form 21-22 4
 - C. Important Reminders 5
- 3. Who may act as a representative 5
 - A. Only accredited representatives may handle claims 5
 - B. Accreditation requirements 6
 - C. Loss of accreditation 6
- 4. What TAL representatives do for claimants 7
 - A. Legal obligations of representatives. 7
 - B. Character of representatives 7
 - C. Preparation and Submission of Forms 8
- 5. Actions TAL reps cannot do 8
- 6. Legal and Ethical restrictions on representation 8
 - A. Confidential Nature of Claims 8
 - B. Conflicts of interest 9
- 7. Limited and shared representation 9
 - A. Dual Representation 9
 - B. Bergmann & Moore, LLC – Training and appeals representation 9
 - C. County Veterans Service Officers 10
- 8. How representation ends 10
 - A. Automatic revocation upon the death of the veteran 10
 - B. Reasons for revoking representation 10
 - C. The process for revoking representation 11
- Glossary of terms / Acronyms 11
- Contact Information 12

1. Types of Representation

A. Claimants represented

The American Legion (TAL) represents veterans and those seeking benefits provided by the U.S. Department of Veterans Affairs (VA) through a relationship with a veteran. In this regard, the best interests of a veteran always take precedence. It is contrary to the policy of The American Legion to accept Power of Attorney (POA) from any person whose interests are detrimental or adverse to those of another veteran, regardless of the fact The American Legion does not hold POA from that veteran.

B. Who may initiate representation

TAL may accept a POA only from individuals in the following categories:

1. (1) the veteran;
2. (2) an incompetent veteran's legally constituted guardian or spouse, parent, other near relative or manager of a hospital or institution in which such veteran is maintained. In the event TAL is notified that a guardian is appointed by a court of competent jurisdiction, the POA remains in effect. Upon notice of guardianship, The American Legion will notify the guardian and request the guardian to sign POA as guardian;
3. (3) a deceased veteran's dependents (such as a widow) or designated beneficiaries, or, if incompetent, the fiduciaries of such persons;
4. (4) a child of a veteran seeking benefits based upon the service of one or both parents; and
5. (5) persons entitled to reimbursement for expenses incurred in connection with the last sickness and burial of the veteran.

C. Claims TAL handles

Claims for VA Benefits

TAL represents veterans and those listed above seeking VA benefits, usually at a VA Regional Office (RO). This includes claims for health care provided by VA's Veterans Health Administration (VHA). This also includes benefits administered by VA's Veterans' Benefits Administration (VBA), such as disability compensation, disability pension, educational benefits, readiness and employment (formerly vocational rehabilitation), home loans (formerly loan guaranty), insurance, burial, challenges to the validity of debts claimed by VA and waivers of such indebtedness.

Discharge Upgrades and Correction of Military Records

Applications by individual claimants to local service officers for review of military discharge (DD Form 293) and for correction of military records (DD Form 149) should be sent to the proper DSO, who will then process the application through the Director of the National VA&R Division. Copies of correspondence and decisions will be furnished by the Director only to the interested DSO.

"Fugitive Felons"

The law prohibits the granting of almost all VA benefits to veterans and dependents of veterans while they are "fugitive felons."

A fugitive felon is defined as a person who is “fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees” or who is “violating a condition of probation or parole imposed for commission of a felony under Federal or State law.” “The term ‘felony’ includes a high misdemeanor under the laws of a State which characterizes as high misdemeanors offenses that would be felony offenses under Federal law.”

38 U.S.C. § 5313B(b)

Arrest warrants may be issued for a variety of reasons unrelated to a veteran’s intent to avoid apprehension and VA generally does not consider a veteran to be a fugitive felon if the evidence establishes that the veteran was unaware of an outstanding arrest warrant or made good faith attempts to clear the warrant as soon as practicable.

VA will only consider a veteran to be a “fugitive felon” if they have a felony arrest warrant with a National Crime Information Center (NCIC) offense code indicating flight or a probation or parole violation. VBA Letter 20-14-09 (June 23, 2014).

It is not the policy of TAL to assist VA or law enforcement officials in capturing any fugitive felons. Our focus is and should remain to be as service officers providing assistance with VA issues and benefits. If contacted by any officials requesting our assistance in bringing a veteran in for arrest, you should immediately contact National Headquarters and speak with either the Executive Director, the Director of VA&R or Deputy Director of Claims. However, veterans may be advised that it could be necessary to appear in court to clear a warrant regardless of the circumstances that led to its issuance.

D. Claimants TAL does not represent

Apportionment Claims

TAL does not handle apportionment claims. Such claims by a spouse or dependent seek benefits paid from a veteran’s entitlement, typically for spousal or child support. As stated above, TAL never accepts POA from any person whose interests are adverse to those of a veteran, regardless of whether TAL holds POA from that veteran.

Contested Claims

Accredited TAL representatives may not participate in the prosecution of a contested claim or one that may reasonably become contested. Contested claims include claims where two or more individuals assert conflicting claims to entitlement to survivor benefits for a deceased veteran.

Common examples of contested claims include: (1) two or more individuals both claiming to be the lawful surviving spouse of a deceased veteran; and (2) two or more individuals claiming proceeds of a veteran’s life insurance policy.

Uniform adherence to this policy and procedure will avoid embarrassment to TAL, as well as give claimants involved in contested cases the opportunity to assign POA to an organization that does afford representation under such circumstances.

Social Security Claims

TAL does not provide representation for individuals seeking Social Security Administration benefits.

Claims in Appellate Status

TAL’s VA&R Commission does not desire to accept power of attorney (POA) while another veterans service organization is actively representing a claimant whose case is in appellate status, either at a VA regional office (VARO) or before the Board of Veterans’ Appeals (BVA).

It is, therefore, recommended that the claimant be discouraged from changing POA while an appeal is pending.

If the claimant insists, and if a TAL representative believes this organization can be of material assistance to the claimant, the change may be accepted by a good cause motion -- in writing -- from the claimant. This also includes any appeals remanded to a VARO by the BVA or remanded by the U.S. Court of Appeals for Veterans Claims to the BVA.

The fact that TAL is willing to accept POA for good cause does not guarantee it will be accepted by VA in conjunction with the pending appeal.

2. How to properly authorize TAL representation

A. Essentials VA Form 21-22

The first step in TAL representation is always the proper completion and submission of the required form, "Appointment of a Veterans Service Organization as Claimant's Representative," also known as a Power of Attorney (POA), VA Form 21-22: <https://www.vba.va.gov/pubs/forms/VBA-21-22-ARE.pdf>.

The POA form is not valid without the signature of the veteran, claimant, or fiduciary. The POA form should be signed in your presence. Always verify the status of a fiduciary or guardian by obtaining a copy of the appropriate legal documents before signing a POA signed by someone else on the veteran's behalf.

B. Instructions for Completing VA Form 21-22

BLOCK 1: VETERAN'S NAME. This is always the veteran's name even if the claimant is not the veteran. Always use the full name, including any suffix such as "Jr."

BLOCK 2: SOCIAL SECURITY NUMBER. This is a nine-digit number.

BLOCK 3: VA FILE NUMBER. Include this information if available, especially if the veteran has a common name or a relative with the same name who served. A file number may be either eight or nine digits.

BLOCK 4: DATE OF BIRTH.

BLOCK 5: VETERAN'S SERVICE NUMBER. This can be omitted if unavailable. Do not delay filing solely to obtain this number. VA will obtain this from the service department using the veteran's date of birth and Social Security number. A file number may be either eight or nine digits.

BLOCK 6 – INSURANCE NUMBERS. This generally may be omitted. However, include this, if possible, in an insurance claim.

BLOCK 7 – ADDRESS. Make sure that you include all information, such as unit number.

BLOCK 8 – PHONE NUMBER.

BLOCK 9 – EMAIL. This is optional. It is OK if a veteran does not want to provide this to VA. In this case, ask the veteran to share this with you for TAL's file.

BLOCKS 10 – 14. These blocks must be completed if the claimant is not the veteran and only in such a case.

BLOCK 15 – NAME OF SERVICE ORGANIZATION RECOGNIZED. "The American Legion" Always fill this block out exactly this way.

BLOCK 16A – NAME OF OFFICIAL REPRESENTATIVE ACTING ON BEHALF OF THE ORGANIZATION. Use your full name, not a nickname. Do not write "any accredited representative." The form is not valid without the name of an accredited representative. VA must be able to verify the name in this block matches the name of a person accredited to represent veterans before VA.

BLOCK 16B – JOB TITLE OF PERSON NAMED IN ITEM 16A. Write "service officer" or "accredited representative." Do not write "post service officer" even if you also hold that position. Post service officers do not have the authority to sign a VA Form 21-22. See Section 3 below.

BLOCK 18 – DATE – Must be completed or the form will be rejected by VA. It cannot be any earlier than the date of the newest signature.

BLOCK 19 – AUTHORIZATION – This box must be checked so TAL may access the veteran’s records. Otherwise, TAL will not have access to them.

BLOCK 20 – Do not check these boxes. Checking this box will prevent access to the veteran’s claim file.

BLOCK 21 – AUTHORIZATION TO CHANGE ADDRESS. It is recommended that the veteran authorizes TAL to do this. Also remind the veteran to inform you and VA of any change in address.

C. Important Reminders

Always remember to:

- Designate the full name as “The American Legion” as representative.
- Make sure it is signed by the veteran, claimant, or fiduciary in your presence.
- Make sure a service officer accredited by TAL signs the form.
- Make sure to submit the form to VA as soon as possible.
- Proofread the POA before signing — both the VSO and the veteran. Errors in the addresses or the spelling of names can create enormous work later in the process in verifying whether TAL holds valid POA and has been granted access to the correct veteran’s file.
- Give a copy of the completed POA form to the veteran.
- Verify the legal status of a fiduciary or guardian before signing a POA signed by someone else on the veteran’s behalf.
- Ask claimants if they have previously been represented by another organization. If so, ask why they want a different representative. A claimant’s reasons for wanting a new representative may be a reason why TAL should not take POA.

Avoid these problems:

- Do not use VA Form 21-22A, as that form is limited to the appointment of an individual, such as a claims agent or an attorney.
- Do not shorten the title of The American Legion. Always use the full name. Do not use “The Legion” or “TAL.”
- Do not include a Department or Post. Departments, posts, and individuals are legally distinct from the national organization chartered by Congress to provide representation. Including any other information may invalidate the POA.
- Do not sign a POA form before it is signed by the veteran, claimant or fiduciary.
- Do not sign a POA for a veteran outside of your geographic area of authority. Always refer veterans to the proper VSO or DSO in their home area. (There may be valid reasons why the home jurisdiction did not accept or previously terminated representation.)

3. Who may act as a representative

A. Only accredited representatives may handle claims

Individuals who are not accredited — including Post Service Officers — shall refer veterans seeking representation to an accredited DSO or VSO.

“No individual may assist claimants in the preparation, presentation, and prosecution of claims for VA benefits as an agent or attorney unless he or she has first been accredited by VA for such purpose.” **38 C.F.R. § 14.629(b).**

B. Accreditation requirements

To be an accredited representative, an individual must be “of good character and reputation and has demonstrated an ability to represent claimants before the VA,” is a member of The American Legion “in good standing,” and is “not employed in any civil or military department or agency of the United States.” **38 C.F.R. § 14.629(a).**

The above requirements are legally required, but not exclusive. Additional requirements apply. *No person should hold themselves out as a TAL representative without having properly completed the process for accreditation including proper training and testing.*

C. Loss of accreditation

The role of a representative is to help the veteran obtain every benefit that he or she is *lawfully* entitled based upon a generous reading of the law and the evidence. Not every claim that an individual wishes to file has legal merit, and sometimes the role of a representative is to explain the law to veterans so that they understand why they should **not** be filing a particular claim. However, representation does include assisting with claims where the evidence is weak or debatable and assisting in the presentation of good-faith arguments for changes in interpretation of law by VA and the federal courts.

VA can cancel a representative’s accreditation if the representative acts unethically or in contravention of VA’s rules. This includes:

- Knowingly violates or refuses to comply with the law
- Knowingly presents a fraudulent or frivolous claim
- Knowingly presents false information to VA
- Accepts compensation for representation
- Commits any other unlawful, unprofessional or unethical practice.

The restrictions on representation are largely a matter of common sense and good judgment. The rules do not and cannot specify in detail every possible action that could lead to the loss of accreditation. In general, do not take any action that would reflect poorly on yourself and The American Legion if it became known how you behaved. Here are some examples:

Fraud

Fraud is committed when a person knowingly makes, or assists in making, a false statement concerning a claim for VA benefits. A TAL representative **should** make strong arguments for interpreting the evidence in the veteran’s favor. A TAL representative **should not** make arguments that are designed to lead VA to make a factual finding that the representative knows is not true.

For example, if a veteran tells you that they briefly set foot in Vietnam even though there are no official records, it is entirely appropriate to help the veteran submit lay evidence to prove this fact and to argue for such a finding. However, if a veteran tells you that they were never in Vietnam, then you should not submit an argument that ambiguous official records support a finding that the veteran did set foot in Vietnam.

Frivolous Claims

A claim is frivolous if the individual providing representation is unable to make a good-faith argument on the merits of the claim. A claim that is plainly contrary to VA's current interpretation of law is not frivolous if the claimant has a good-faith argument to make on appeal to the federal courts that VA's interpretation should be rejected or changed. Federal courts can change how the law is interpreted, but they cannot change the essential elements of entitlement.

For example, compensation for exposure to Agent Orange was extended to Blue Water Navy veterans by the federal courts based upon a finding that the 1991 Agent Orange Act was always intended by Congress to include Navy veterans. This claim was contrary to VA's interpretation when it was filed, but there was a good-faith argument that the federal courts should reject VA's interpretation. However, Congress has explicitly prohibited compensation for disabilities related to smoking in service and such a claim would be frivolous because the federal courts do not have the power to change this law.

4. What TAL representatives do for claimants

VA regulations give broad latitude on the method to be pursued in the preparation, presentation and prosecution of VA claims under the authority given by the veteran in filing a VA Form 21-22. TAL provides the highest quality representation to its clients in accordance with legal requirements and our mission to serve veterans. When TAL accepts POA from an eligible claimant, TAL assumes an **obligation** to provide fair representation and assistance and counseling to **ensure that the claimant gets full Due Process**.

A. Legal obligations of representatives.

"An individual providing representation on a particular claim under § 14.630, representative, agent, or attorney shall:

(1) Provide claimants with competent representation before VA. Competent representation requires the knowledge, skill, thoroughness, and preparation necessary for the representation. This includes understanding the issues of fact and law relevant to the claim as well as the applicable provisions of title 38, United States Code, and title 38, Code of Federal Regulations;

(2) Act with reasonable diligence and promptness in representing claimants. This includes responding promptly to VA requests for information or assisting a claimant in responding promptly to VA requests for information."

38 C.F.R. § 14.632(b)

VA's full standards of conduct may be found here:

<https://www.va.gov/OGC/docs/Accred/StandardsOfConduct.pdf>.

B. Character of representatives

TAL representatives are:

- Advocates – TAL representatives look out for the veteran's best interests.
- Truthful – TAL representatives are always honest with the veteran and VA.
- Competent – TAL representatives take seriously their obligation to know the law thoroughly through ongoing training and research.
- First Rate – TAL representatives help the veteran prepare the best applications possible with the best supporting evidence so that the veteran wins the most benefits in the shortest amount of time.

C. Preparation and Submission of Forms

TAL representatives prepare and submit a wide variety of forms required by VA. VA regulations give broad latitude on the method to be pursued in the preparation, presentation, and prosecution of claims under the authority given by the veteran in filing a VA Form 21-22.

A representative must be familiar with the forms required by VA to submit an application for benefits and to take other related actions, such as authorizing the release of records, seeking a review or appeal and changing the veteran's address. Some forms may be prepared and submitted by a representative under their own signature once POA has been granted. However, other forms must be signed by the veteran (see section 5). A TAL representative must know the difference between these forms.

5. Actions TAL reps cannot do

An accredited representative should not sign any form that involves swearing to the accuracy of information that affects the amount of benefits paid. This includes forms related to employment verification, status of dependents or waiver of retirement pay. These must be signed by the veteran. **The claimant is responsible for any overpayment occurring as a result of the information supplied.**

A TAL-accredited DSO or VSO is not authorized to sign:

- VA Form 21-526 / 21-526EZ: an original application for compensation
- VA Form 21P-527EZ: an original application for pension
- VA Form 21P-0510: a pension Eligibility Verification Report,
- VA Form 21-4140: Employment Questionnaire
- VA Form 21-8940: Veteran's Application for Increased Compensation Based on Unemployability
- VA Form 21-4142: Authorization to Disclose Information to the Department of Veterans Affairs
- VA Form 21-4192: Request for Employment Information in Connection with Claim for Disability Benefits
- VA Form 21-0538: Mandatory Status of Dependents
- VA Form 21-8951-2: Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowances
- VA Form 21-651: Election of Compensation in Lieu of Retired Pay or Waiver of Retired Pay to Secure Compensation from Department of Veterans Affairs.

6. Legal and Ethical restrictions on representation

A. Confidential Nature of Claims

"All files, records, reports, and other papers and documents pertaining to any claim under any of the laws administered by the Secretary and the names and addresses of present or former members of the Armed Forces, and their dependents, in the possession of the Department shall be confidential and privileged, and no disclosure thereof shall be made except as provided in this section." **38 U.S.C. § 5701(a)**

TAL office files — in both physical and electronic form — are confidential. Periodically, veterans may wish to have you release information to outside organizations, such as county veterans service organizations. To ensure that you are protected from potential liability associated with the release of the information, the veteran must complete a

form acknowledging that they are directing the accredited representative to release the information. The form can be located at:

www.legion.org/documents/legion/pdf/VSO_Release_Form.pdf

Requests made by the claimant for documents that may be in a TAL office file must be **in writing** and **signed by the claimant**. This is especially true when requests are received from family members or friends who may be assisting the claimant in gathering evidence in support of the claim.

B. Conflicts of interest

In addition to the actions discussed above that may lead to termination of accreditation, a TAL representative should not accept POA in any claim where the representative has a conflict of interest or any relationship with the veteran or claimant that could impair the representation or create an appearance of impaired representation if the facts were to become known to the claimant or the public.

For example, a representative should not accept POA if it appears that prevailing on the claim requires proving facts contrary to those submitted by another claimant already represented by TAL. In such a circumstance, the quality of representation and the integrity of the representative may reasonably be questioned if the representative is presenting arguments and evidence in different cases that directly conflict with each other.

As another example, a representative should not accept POA from a person seeking benefits as the surviving spouse of the veteran if the representative has direct, personal knowledge indicating that the person is not the surviving spouse even if the claimant is unaware of this information or that the representative has it.

A TAL representative may represent someone they know personally. However, before accepting POA, the representative should consider carefully whether the quality of representation might reasonably be questioned by someone familiar with the relationship between the claimant and the representative. If the representative has a very close relationship with the claimant, it may be questionable as to whether the representative is honestly advising the claimant on the weakness of a claim that may be frivolous. If the representative has a negative history with the claimant, it may be questioned whether the representative is doing a thorough and diligent job on behalf of the claimant.

In cases where the representative has a personal conflict of interest, TAL may still represent the claimant so long as the matter is handled by a different representative who has no conflict of interest.

7. Limited and shared representation

VA regulations permit a veteran to have different representatives for different parts of a claim that are pending before VA at the same time. Accordingly, you may become aware that a veteran has signed a POA authorizing a different representative to work on a specific claim or claims but leaving TAL as the POA on other matters.

A. Dual Representation

Generally, TAL does not share POA (see exception below, for the law firm Bergmann & Moore). Although a veteran may file a POA with another representative authorizing them to handle a specific claim, this should generally prompt TAL to withdraw its representation on all other claims. If you have questions about this, contact the Director of the National VA&R Division.

B. Bergmann & Moore, LLC – Training and appeals representation

TAL has authorized dual representation with Bergmann & Moore, LLC (B&M). B&M is a national law firm that serves as TAL's litigation and training partner. Managed by former VA attorneys who know VA's claim appeal

system well, B&M has successfully navigated the VA system for thousands of veterans and their surviving spouses since 2004.

Starting in January 2018, TAL and B&M entered into a Memorandum of Understanding (MOU), approved during the Legion's 2018 national convention.

Among other things, the MOU specifies that B&M provides training for TAL-accredited DSOs and VSOs during two national schools attended by hundreds of service officers. The training goal is to obtain the most benefits as quickly as possible at a VA Regional Office (RO). B&M also provides training for TAL's Board Units located in Washington, D.C. and Indianapolis, Ind. TAL's Board Unit handles appeals filed with the Board of Veterans' Appeals.

Additionally, the MOU specifies that B&M provides — at no cost to TAL or the veteran — appeal representation in the federal courts to veterans who are represented by TAL before VA.

B&M representation includes claims on appeal from the Board of Veterans' Appeals (Board) to the Court of Appeals for Veterans Claims (CAVC). B&M may also further represent a veteran appealing a CAVC decision to the U.S. Court of Appeals for the Federal Circuit (Federal Circuit).

In certain circumstances, B&M may represent the veteran before VA after a CAVC or Federal Circuit remand.

Withdrawal of a TAL POA is not required if you become aware that B&M is representing a veteran or claimant in appeal status. If you have questions about B&M, contact the Director of the National VA&R Division.

For more information about TAL's training and litigation, visit B&M's website: <https://www.vetlawyers.com/about-us/>

C. County Veterans Service Officers

TAL, as the recognized service organization, may refuse to work with secondary parties such as County Veterans Service Officers (CVSO), if it appears to be contrary to the best interest of the claimant. TAL may require all CVSOs to work through TAL's Department Service Officer (DSO). This will help ensure the orderly representation of claimants.

As a practical matter, many designated DSOs are State Civil Service employees. As such, representation in the name of TAL is provided through such State organizations, which direct or cooperate with county and local agencies that may or may not be accredited to the State organization.

8. How representation ends

A. Automatic revocation upon the death of the veteran

The death of a veteran automatically revokes power of attorney – it does not extend automatically to survivors. See *Smith v. Brown*, 10 Vet.App. 330 (1997). Claimants seeking survivor benefits must sign a new POA in their own names.

B. Reasons for revoking representation

- TAL reserves the right to revoke a POA at any time. Examples include, but are not limited to, the following reasons:
- Tampering or altering of evidence, or providing false information as evidence;
- Refusal to cooperate or establish a satisfactory and effective working relationship with the representative;
- Threats or acts of violence towards the representative and co-workers, the Department, the National Organization or VA personnel;

- Harassment of representatives either by phone, internet, social media or in person;
- Further representation may give rise to conflict of interest or violation of privacy;
- The claim has no basis in law or fact in which it can be granted, including no good faith argument for challenging VA's interpretation or application of existing law;
- The benefits being received are contrary to law or regulation;
- Representation of a co-worker or friend may present the risk of inadvertent disclosure of confidential information; it may also create unreasonable expectations and disappointments.

Keep in mind that TAL representation cannot and should not be withdrawn because of personal prejudice and discomfort. Questions concerning withdrawal of a POA should be brought to the attention of the DSO for approval. Efforts to assist claimants in securing representation should be taken if POA revocation occurs. If a problem continues, it should be referred to the Director of the National VA&R Division.

C. The process for revoking representation

Withdrawal in writing

When TAL revokes representation of a claimant, you must notify **both VA and the claimant in writing**.

Content of a withdrawal

Written withdrawal may **not** be done in a way that adversely impacts the claimant's interests. Even if you have good cause to believe that the claim is fraudulent or frivolous, **you should never disclose adverse information to VA**.

- **Individually:** You may be mistaken and you may harm the claim by providing information to VA that is incomplete or inaccurate.
- **Globally:** You harm TAL's ability to perform its mission of helping veterans if it becomes known that TAL might disclose to VA information shared during the course of preparing a claim.

A written withdrawal based upon good cause should not include any statement more specific than an affirmation by the representative that TAL believes there is good cause to terminate its representation of the claimant. Remember to keep a copy of the POA withdrawal and upload it into the veteran's digital case file in VBMS.

Glossary of terms / Acronyms

Board: VA's Board of Veterans' Appeals, located in Washington, D.C.

Claimant: Veteran or Dependent filing a claim with VA for care or benefits

CAVC / Court / Veterans Court: U.S. Court of Appeals for Veterans Claims, located in Washington, D.C.

CVSO: County Veterans Service Officer

Dependent: Parent, Spouse or Child of a Veteran

DSO: Department Service Officer

Federal Circuit: U.S. Court of Appeals for the Federal Circuit

FSGLI: Family Servicemembers Group Life Insurance

NCA: VA's National Cemetery Administration

NCIC: National Crime Information Center

POA: Power of Attorney (refers to VA Form 21-22)

RO: VA Regional Office (handles benefits issues)

S-DVI: Service-Disabled Veterans Life Insurance
SGLI: Servicemembers' Group Life Insurance
TAL: The American Legion
TSGLI: Traumatic Injury Protection Program
VA: U.S. Department of Veterans Affairs
VA&R Division: TAL's Veterans Affairs and Rehabilitation Division
VBA: VA's Veterans Benefits Administration
VHA: VA's Veterans Health Administration
VGLI: Veterans' Group Life Insurance
VMLI: Veterans' Mortgage Life Insurance
VSO: Veterans Service Organization / Veterans Service Officer

Contact Information

The American Legion Veterans Affairs & Rehabilitation Division

Email

var@legion.org

Phone

(202) 861-2700

Street Address

1608 K Street NW
Washington, D.C. 20006



THE AMERICAN LEGION

1608 K St. NW
Washington, DC 20006
(202) 861-2700

legion.org



Connect with The American Legion

Stock# 70-009

Artwork# 54VAR0722