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LEGAL NEEDS OF MILITARY VETERANS, SERVICEMEMBERS, AND THEIR FAMILIES

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Advocating Benefits for Veterans

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During the last one hundred years the federal government has supplied those who serve in the U.S. armed forces with the most modern and powerful weapons and technology known to man. Until recently, however, the federal rights of these same individuals have remained as they were in colonial days. Until as recently as the 1980s, the United States deprived veterans of two rights enjoyed by every other citizen of the United States: the right to judicial review of agency action denying them federal government benefits and the right to hire an attorney to represent them before the federal agency, the U.S. Department of Veterans Affairs (VA), whose decisions Congress had immunized from court review. Denial of access to attorneys was accomplished quite effectively by making it a federal crime for an attorney to charge a fee of more than $10 to represent a client with a VA claim.

The Veterans' Judicial Review Act (VJRA) of 1988 ended the first of these two anachronisms by creating a new Article I court, the U.S. Court of Appeals for Veterans Claims (CAVC), with authority to review final VA decisions denying claims for benefits.[1] The VJRA provides for further limited review in the U.S. Court of Appeals for the Federal Circuit.[2] But the VJRA left the attorney-fee limitations largely intact. In 2006 Congress repealed most of the remaining barriers to a VA claimant hiring an attorney for representation before VA. As a result of the Veterans Benefits, Health Care, and Information Technology Act of 2006, or the 2006 Act,

- an attorney or agent may charge a VA claimant a "reasonable fee" for representation before the two VA adjudicatory levels (the VA regional offices and the Board of Veterans' Appeals) once the claimant has filed a notice of disagreement (NOD)—as long as the NOD was filed on or after June 20, 2007; but
- an attorney or agent must first obtain "recognition" from VA in order to represent claimants before VA under implementing regulations that set qualifications and standards of conduct for attorneys and agents.[3]

[1]Veterans' Judicial Review Act of 1988, Pub. L. No. 100-687 (1988) (codified as amended in scattered sections of 38 U.S.C. (2006)). For establishment of the U.S. Court of Appeals for Veterans Claims (CAVC), see 38 U.S.C. ch. 72.

[2]38 U.S.C. § 7292.

[3]Veterans Benefits, Health Care, and Information Technology Act of 2006, Pub. L. No. 109-461 (2006) (codified as amended in scattered sections of 38 U.S.C. (2006)); *id.* § 101, 38 U.S.C. §§ 5901–5905.

The 2006 Act has created opportunities for advocates to represent VA claimants, but many are unfamiliar with VA laws and regulations. Here I summarize the current state of veterans benefits law and the new opportunities for attorneys to assist disabled veterans in obtaining the benefits that they need and deserve. I give an overview of the major VA disability benefit programs, I discuss the impact that judicial review has had on the adjudicatory system used by VA to decide claims for disability benefits, and I explain the opportunity and need for advocacy and how to get the "recognition" needed to represent VA claimants. I also refer to the resources available to advocates who want to become proficient in veterans benefits law.

I. Overview of the Major VA Disability Benefit Programs

The most important VA benefit programs are the health care program and two programs that give veterans monthly monetary payments: service-connected disability compensation and non-service-connected disability pension.[4] A veteran's receiving VA service-connected disability compensation or non-service-connected disability pension benefits is linked to that veteran's entitlement to VA health care. VA prioritizes its health care resources to veterans who are receiving monthly service-connected disability compensation or non-service-connected disability pension benefits.

In the 2008 fiscal year more than 2.9 million veterans were receiving service-connected disability compensation benefits, and 317,600 veterans were receiving non-service-connected disability pension benefits. Nearly $42 billion in VA funding went into the service-connected disability compensation and non-service-connected disability pension programs.[5]

Veterans entitled to service-connected disability compensation receive tax-free monthly monetary payments. As of December 1, 2008, for a single veteran without dependents, these payments ranged from $123 for a disability rated as 10 percent disabling, to $2,673 for a disability rated as 100 percent disabling.[6] In cases where a veteran suffers certain severe disabilities, the veteran may be entitled to special monthly compensation, which may be at a rate much greater than the 100 percent rate.[7] Severely disabled veterans in need of regular aid and attendance or daily health care services may be eligible for additional compensation.[8]

A veteran who has a disability rated 30 percent or more disabling and who is entitled to receive service-connected disability compensation benefits is entitled to an additional amount of monthly compensation based on having qualifying family members.[9] Family members who may qualify are a spouse, children, and dependent parent or parents.[10] Thus the veteran's amount of entitlement to additional compensation varies with the number of qualifying family members, the percentage of the veteran's service-connected disability rating, and whether a special allowance rate applies.[11] For

[4]The service-connected disability compensation program is in 38 U.S.C. §§ 1101–1163. The non-service-connected disability pension program is in 38 U.S.C. §§ 1501–1543. The term "VA pension" has a special meaning. U.S. Department of Veterans Affairs (VA) pension benefits are *not* retirement benefits based on amount of earnings and years worked. VA pension is a needs-based program for veterans who have wartime service and are either totally disabled or over 65. For a detailed look at the array of VA pension benefits available and how legal aid providers may assist veterans in obtaining those benefits, see Meg Bartley et al., *VA Benefits Available to Low-Income Veterans*, 40 Clearinghouse Review 324 (Sept.–Oct. 2006).

[5]Office of Budget, United States Department of Veterans Affairs, Fiscal Year 2008 Performance and Accountability Report, www.va.gov/budget/report/2008/index.htm.

[6]38 U.S.C. § 1114.

[7]*Id.*; 38 C.F.R. § 3.350 (2009).

[8]38 U.S.C. § 1114; 38 C.F.R. § 3.352 (2009).

[9]38 U.S.C. §§ 1115, 1135.

[10]A veteran with a child who is at least 18 and is pursuing a course of higher education qualifies for a higher allowance rate under 38 U.S.C. § 1115(1)(F).

[11]38 U.S.C. § 1115.

example, as of December 1, 2008, the amount of additional tax-free compensation payable to a veteran who has a 100 percent rating for a service-connected disability and who has a qualifying spouse is $150 per month.

To represent VA claimants successfully, an advocate must have a thorough understanding of the differences between service-connected disability compensation and non-service-connected disability pension. Both benefits are based on disability. Non-service-connected disability pension, however, is a needs-based program similar to Supplemental Security Income. To be eligible for non-service-connected disability pension benefits, a veteran must have wartime service, low income, and total and permanent disability. The total and permanent disability need not be "connected" to the period of military service. As of 2001, veterans 65 and older are conclusively presumed to be permanently and totally disabled for non-service-connected disability pension purposes.[12]

Service-connected disability compensation is not based on need or income. Veterans applying for these compensation benefits do not need to have total disability, low income, or wartime service, but they must "connect" their disability to the period of their military service. To qualify for service-connected disability compensation benefits, a veteran must submit evidence that, with certain exceptions, satisfies three fundamental requirements. First, there must be a medical diagnosis of the current disability for which the compensation is being sought. Second, there must be medical or, in certain circumstances, lay evidence of an event, injury, or disease that occurred during the period of the veteran's active military service. And, third, there must be medical evidence of a link or nexus between the in-service event, injury, or disease and the current disability.[13] The veteran must present "competent evidence" on each of the three required elements in order to qualify for service-connected disability compensation.[14]

II. The Impact of Judicial Review on the VA Adjudication System

Over the twenty-one years since passage of the VJRA, the VA adjudication system has changed dramatically. Because of the precedential decisions that CAVC and the Federal Circuit have issued over this period, VA has been more faithful to substantive and procedural rules that have long been on the books. On paper VA has a system for deciding claims that differs from most systems of justice. It is a nonadversarial, informal system that Congress designed to favor veterans and their dependents. The cornerstone of this proclaimant process is VA's obligation to assist claimants in obtaining the evidence necessary to substantiate their claims. This obligation is codified in the Veterans Claims Assistance Act of 2000 (VCAA).[15] Unfortunately, as many of the court decisions reflect, VA has often ignored the proclaimant rules that it is required by law to follow.

Statistics maintained by the Board of Veterans' Appeals (BVA) and CAVC demonstrate that since the passage of the VJRA, a veteran's chance of ultimately being successful on a claim has greatly increased. In the nine years before the passage of the VJRA, BVA ruled in favor of the VA claimant in 13.1 percent of all appeals—a percentage that varied so little from year to year that VA skeptics thought BVA used a 13 percent quota system.[16] Since the VJRA was enacted, the rate of success of appeals to BVA has steadily

[12]*Id.* § 1513.

[13]See *Cotant v. Principi*, 17 Vet. App. 116, 132-33 (2003) (evaluating whether all three elements of a service-connection claim were satisfied); *Hickson v. West*, 12 Vet. App. 247, 252 (1999) (the three elements of a service-connection claim); *Hicks v. West*, 12 Vet. App. 86, 89 (1998) (the three elements of a service-connection claim); *Rose v. West*, 11 Vet. App. 169, 171–172 (1998) (applying three elements for a service-connection claim).

[14]See *Washington v. Nicholson*, 19 Vet. App. 362, 367 (2005); *Hickson*, 12 Vet. App. at 252.

[15]Veterans Claims Assistance Act of 2000, Pub. L. No. 106-475 (2000) (amends chapter 51 of title 38 of the U.S. Code).

[16]See my *Veterans' Rights: The Courts Weigh In*, Legal Times, Jan. 16, 1995, at 19.

increased, and, for each fiscal year from 1995 through 2008, the percentage of BVA decisions resulting in a grant of some of the benefits sought ranged from 17.1 to 27.7.[17]

Moreover, the percentage of BVA appeals resulting in a remand to a VA regional office mushroomed. For the nine years prior to the VJRA, the remand rate at BVA varied between 13 percent and 20 percent of all cases.[18] But since that time, BVA has been forced to remand a much higher percentage of cases for further evidentiary development and readjudication in order to comply with precedential judicial decisions. In the 1995 through 2001 fiscal years, the annual percentage of BVA decisions resulting in a remand to a VA regional office varied between 29.9 percent and 48.8 percent.[19] For the 2005 through 2008 fiscal years, the annual remand rate fluctuated between 32 percent and 38.1 percent.[20]

VA claimants' rate of success at CAVC has similarly been impressive. In the 1995 though 2008 fiscal years, CAVC reviewed on the merits 24,702 cases in which a VA claimant appealed a BVA decision denying benefits. In 18,875 of these 24,702 cases (a whopping 76.4 percent), CAVC either reversed the BVA decision outright or (much more often) vacated the BVA decision and remanded it for readjudication.[21] In a large majority of these cases, CAVC found that BVA had committed at least one legal error in denying the claim at issue.

While judicial review has increased a claimant's chance of ultimately receiving veterans benefits by a significant amount, these statistics indicate that the VA regional offices and BVA have not been able consistently to adjust their decision making to comport with the law. A few years ago the VA inspector general reported the startling results of a survey of all VA regional office adjudicators: 57 percent admitted that they would have difficulty meeting VA-imposed production standards if they took the time both to assist adequately the claimant in developing the evidence and to review the evidence thoroughly; 41 percent conceded that they adjudicated claims *before* obtaining all of the necessary evidence in at least 30 percent of the disability rating cases that came before them.[22]

As a result, thousands of veterans have been placed on a slow-moving "hamster wheel" in which their claims bounce back and forth for years among the regional offices, BVA, and CAVC. For a claim to take longer than a decade to be finally adjudicated is not unusual.

The impact of the wars in Iraq and Afghanistan has created a virtual tsunami at VA. Veterans of these ongoing wars have flooded the agency with hundreds of thousands of new disability claims at the same time that the agency is being pressed to correct errors in thousands of older claims.

Until recently, if VA failed to comply with proclaimant rules such as the duty to assist, the only recourse that VA claimants had was to file successive appeals to higher tribunals. Most disabled veterans do not have the resources, expertise, or patience to understand what evidence is needed to substantiate their claims and to obtain and submit this evidence on their own. Nor was it feasible for claim-

[17]1999 Bd. of Vet. App. Ann. Rep. 33; 2001 Bd. of Vet. App. Ann. Rep. 37; 2002 Bd. of Vet. App. Ann. Rep. 15; 2003 Bd. of Vet. App. Ann. Rep. 13; 2004 Bd. of Vet. App. Ann. Rep. 12; 2005 Bd. of Vet. App. Ann. Rep. 17; 2006 Bd. of Vet. App. Ann. Rep. 20; 2007 Bd. of Vet. App. Ann. Rep. 19; 2008 Bd. of Vet. App. Ann. Rep. 22. See generally Board of Veterans Appeals Annual Reports to Congress, 1991–2008, www.va.gov/vbs/bva/annual_rpt.htm.

[18]*Veterans' Rights*, *supra* note 16, at 19.

[19]1999 Bd. of Vet. App. Ann. Rep. 33; 2001 Bd. of Vet. App. Ann. Rep. 37.

[20]2005 Bd. of Vet. App. Ann. Rep. 17; 2006 Bd. of Vet. App. Ann. Rep. 20; 2007 Bd. of Vet. App. Ann. Rep. 19; 2008 Bd. of Vet. App. Ann. Rep. 22.

[21]U.S. Court of Appeals for Veterans Claims Annual Reports (Fiscal Years 1999-2008) (n.d.), www.vetapp.uscourts.gov/annual_report/.

[22]Office of the Inspector General, Department of Veterans Affairs, Rpt. No. 05-00765-137, Review of State Variances in VA Disability Compensation Payments viii (2005), www.va.gov/oig/52/reports/2005/VAOIG-05-00765-137.pdf.

ants to hire an attorney due to the long-standing attorney-fee limitations. Instead veterans had to rely on nonlawyer representation.

Before the 2006 Act, veterans generally relied on the nonlawyer representatives employed by the national veterans service organizations or state and county departments of veterans affairs who represent them free of charge. But the caseload of these lay advocates is often overwhelming. For example, the fourteen veterans service officers employed by one of the major veterans service organizations at the VA regional office in St. Petersburg, Florida, carried a caseload of 18,000 VA claimants (or over 1,200 pending cases per advocate).[23] Similarly the nine veterans service officers employed by that same veterans service organization at the VA regional office in Los Angeles had a caseload of 9,000 VA claimants with pending claims (or 1,000 pending cases per advocate).[24] No veterans advocate—no matter how talented—who has a caseload of 1,000 claimants, can take the time necessary to obtain and submit the evidence necessary to substantiate the clients' claims.

III. The Opportunity and Need for Vigorous Advocacy

VA makes available to disabled veterans substantial financial assistance and health care benefits. The opportunity and need for vigorous advocacy of veterans is similarly substantial. The proclaimant VA adjudicatory system established by Congress gives disabled veterans numerous, never-ending opportunities to become entitled to these critical benefits. Congress has not placed a time limitation within which a veteran must apply for service-connected disability compensation or non-service-connected disability pension. Thus nothing prevents a World War II veteran from filing in 2009 an original disability claim based on a long-standing medical condition.

Strict principles of res judicata do not apply to the veterans benefits process. After VA finally denies a claim based on a particular disability, the veteran has the right to file a reopened claim for service-connected disability compensation based on new and material evidence for the same disability, and if the veteran prevails on the reopened claim, VA must generally pay disability benefits retroactive to the date that VA received the reopened claim. A veteran has no time limit within which to file a reopened claim, and there is no limit on the number of times the veteran may file a reopened claim based on the same disability. The veteran may even file a claim based on clear and unmistakable error challenging the validity of a final VA denial of disability benefits made decades ago, and if the claim is successful, the veteran will receive these benefits retroactive to the date that the claim was filed decades ago.

Veterans now have a much better chance of succeeding in their claims for benefits than ever before. Not only do they have a proclaimant VA adjudicatory system (with its numerous opportunities for seeking benefits), but also, as a result of the 2006 Act, they no longer have to rely exclusively on the national network of overworked VA-accredited lay advocates. Veterans may hire an attorney (if and when the VA regional office initially denies the claim).

But the mere fact that veterans can continually reapply for disability benefits with the aid of an attorney does not guarantee success. To succeed, a veterans advocate must have the knowledge, expertise, and time to (1) identify the benefits to which the veteran may be entitled, (2) determine what type of evidence is needed to win entitlement, and (2) work with the claimant to obtain and submit that evidence.

Advocates should be proactive in obtaining evidence to support a claim for three reasons. First, VA's track record in complying with its obligation to assist claim-

[23]See Leonard Post, *Turf War Over Vets—Lawyers Gripe at Being Kept Away from V.A. Work*, National Law Journal, March 10, 2003, at A1.

[24]*Id.*

ants in obtaining the evidence necessary to substantiate their claims is not good. Second, even when VA helps by obtaining medical opinion evidence, the opinions are usually from VA's own physicians and a large percentage of these opinions are not favorable to the claimant. And, third, appealing to BVA and CAVC to obtain a remand to get the regional office to do what it should have done years ago when the claim was first filed comes at great cost. Even if VA ultimately granted the benefits sought, the veteran would not have received for years the disability payments to which the veteran was entitled. Moreover, no matter how many years it takes VA to obtain the evidence that it should have obtained at the outset and grant the claim, the claimant will not be paid any interest on the past-due benefits.

IV. The Requirements an Advocate Must Satisfy to Represent VA Claimants

Attorneys who want to practice before VA must be members in good standing of a state bar. They must also go through a two-step accreditation process.

Step 1: Before an attorney is permitted to practice before VA, the attorney must attain initial accreditation status.[25] To attain this status, the attorney must complete and send VA Form 21a to the Office of the VA General Counsel (VAGC).[26] VA presumes an attorney's character and fitness to practice before it on the basis of the attorney's membership in good standing with a state bar.[27] After a few weeks, VAGC notifies the attorney whether the attorney has attained initial accreditation status. Once accredited, the attorney is authorized to practice before VA and may represent VA claimants even if the attorney has not yet satisfied the continuing legal education requirements discussed next.[28]

Step 2: To keep accreditation status, attorneys must complete three hours of approved continuing legal education within the one-year period starting on the day that VA accords the attorney initial accreditation status and an additional three hours for every subsequent two-year period.[29] The continuing legal education hours must meet the requirements established by VA. (See box.)

VA also authorizes nonattorney "agents" to represent claimants before it.[30] Individuals who want to be authorized as agents must apply to VAGC for this status and "establish that they are of good character and reputation."[31] VA also subjects agents to a background check utilizing VA Form 21a to determine whether the agent is of good character and reputation.[32] Agents must meet the same continuing legal education requirements as attorneys.

To be accredited, agents (but not attorneys) must score 75 percent or more on a written examination, prepared and graded by VAGC.[33] A final requirement is that "no applicant shall be allowed to sit for the examination more than twice in any six-month period."[34]

After accreditation, the advocate must take further steps in order to be recognized by VA as a representative of a particular VA claimant. VA has detailed regulations governing powers of attorney

[25] 38 C.F.R. § 14.629(b)(1) (2009).

[26] *Id.* § 14.629(b)(2).

[27] *Id.* § 14.629(b)(1)((ii).

[28] *Id.* § 14.629. For accreditation submission details and other information, see www.va.gov/ogc/accreditation.asp.

[29] *Id.* § 14.629(b)(1)(iii)–(iv).

[30] 38 U.S.C. § 5904; 38 C.F.R. § 14.629(b) (2009).

[31] 38 C.F.R. § 14.629(b)(2) (2009).

[32] *Id.*

[33] *Id.* § 14.629(b)(6).

[34] *Id.*

and the various categories of persons authorized to represent claimants.[35]

VA requires that claimants use a power-of-attorney form, standard VA Form 21-22a, to appoint attorneys who are representing them on a particular claim.[36] This applies for all representation initiated on or after June 23, 2008. The designated attorney must have initial accreditation status when the attorney files VA Form 21-22a in order for VA to recognize the attorney as the claimant's representative. VA will not recognize an attorney as a proper representative, nor will it disclose claimant information to the agent or attorney, without VA Form 21-22a on file.[37] This form authorizes full representation of the claimant by the attorney.[38] This is the same form used to authorize agents to represent a claimant, as discussed below.

The claimant may not designate a law firm as the representative. However, an attorney associated or affiliated with the attorney of record may have access to records and participate in the conduct of the appeal, with the written consent of the claimant-appellant.[39] If the attorney thinks that other attorneys in the law firm may become involved in the development of the case, their names should be included in the power-of-attorney form signed by the claimant.

In general, powers of attorney extend to all aspects of the claimant's entitlement to VA benefits.[40] In most cases, once a power of attorney with a particular representative is on record, it stays in effect until specifically revoked. Usually only one representative, either an individual or a veterans service organization, as the case may be, is authorized to represent a claimant at any one time.[41] The filing of a new power of attorney for a different representative, but for the same claimant, automatically "constitute[s] a revocation of an existing power of attorney."[42]

The foregoing rules create a potential trap for the unwary advocate. If the advocate is not careful, the advocate may enter a case to help a veteran with a claim for a knee disability but be considered by VA to represent the veteran on a disability claim for a mental or back condition that was, unbeknownst to the advocate, filed by the veteran, or pending before VA when the advocate entered the case.

The regulations contain an escape from this trap. Powers of attorney can be limited to authorize representation of a particular claim or issue.[43] Thus the scope of the advocate's representation may be expressly restricted to a specific claim or claims. If the power of attorney is not so limited, VA considers the advocate to be the representative on all of the appellant's VA claims.[44]

I suggest limiting the scope of representation to a particular claim or claims to prevent attorneys or agents from getting involved in frivolous claims, or claims that they do not know about, or claims that they do not want to pursue. But be forewarned that limiting representation

[35] *Id.* §§ 14.626–635.

[36] *Id.* § 14.629(c). 38 C.F.R. §§ 14.630 and 14.631(a) (2009) set forth the requirements for appointing an attorney, and these two sources apply to all VA claims.

[37] *Id.* § 14.631a. CAVC holds that where an attorney files a claim on behalf of the veteran client and the regional office responds to the attorney, failure by VA to send copies of correspondence concerning the veteran's claim to the attorney negates the effectiveness of any notification to the veteran (*Svehla v. Principi*, 17 Vet. App. 160 (2003)).

[38] 38 C.F.R. § 14.631(a) (2009); see 38 U.S.C. § 5904.

[39] 38 C.F.R. § 14.629(c)(2) (2009).

[40] *Id.* §§ 14.629–31.

[41] *Id.* § 14.631(e)(1). If an attorney limits authorization to a particular claim, the general power of attorney remains with the current representative of record, and the attorney has a limited power of attorney in the particular claim or issue (*id.* §§ 14.629(c), 14.631(f)(2)). This situation is discussed below.

[42] *Id.* § 14.631(f)(1).

[43] *Id.* § 14.631(e)(1), (f)(2).

[44] *Id.* § 14.631(f)(2).

to a particular claim could cause some confusion on VA's part because regional offices may have trouble sending appropriate communications to two different representatives acting for the same claimant but representing the claimant on different claims.

V. Resources for Veterans Advocates

Resources are available to advocates to help them in representing VA claimants. The first is the *Veterans Benefits Manual*, a 1,900-page treatise authored by the National Veterans Legal Services Program, published by LexisNexis, and revised annually. It is published in paper form and in a CD-ROM format that includes all CAVC and relevant Federal Circuit decisions, CAVC Rules of Practice and Procedure, title 38 of the U.S. Code, title 38 of the Code of Federal Regulations, all VAGC precedent opinions, and the *VA Adjudication Procedure Manual M21-1*—a source of unpublished substantive and procedural rules often binding on VA. The CD-ROM is hypertext-linked and searchable.[45]

Other resources are digital versatile discs (DVDs) that train advocates in veterans benefits law and qualify as VA-approved continuing legal education.[46] Attorneys can become knowledgeable in this field by representing an appellant before CAVC on a pro bono basis through the Veterans Consortium Pro Bono Program.[47] That program gives advocates a full day of training before they are assigned a case and makes available an experienced mentoring attorney. Additional training and resource information is available from the National Organization of Veterans' Advocates, www.vetadvocates.com/; the National Veterans Legal Services Program, www.nvlsp.org/; the U.S. Court of Appeals for Veterans Claims Bar Association, www.cavcbar.net/; the U.S. Court of Appeals for Veterans Claims, www.uscourts.cavc.gov/; and the U.S. Department of Veterans Affairs, www.va.gov/.

COMMENTS?

We invite you to fill out the comment form at www.povertylaw.org/reviewsurvey. Thank you.

—The Editors

[45]National Veterans Legal Services Program, Veterans Benefits Manual (Barton F. Stichman & Ronald B. Abrams eds., 2009), www.lexisnexis.com/veteranslaw.

[46]E.g., the National Veterans Legal Services Program, Veterans Benefits Advocacy DVD—A Training Guide to Representing Veterans in VA Benefits Claims (presented by Barton F. Stichman & Ronald B. Abrams, n.d.), www.lexisnexis.com/veteranslaw/, qualifies as six hours of continuing legal education credits and meets VA accreditation requirements.

[47]See Veterans Consortium Pro Bono Program, www.vetsprobono.org/.

How to Become Accredited to Handle VA Claims on Behalf of Veterans

If you are a member in good standing of a state bar, you may be accredited to practice before the U.S. Department of Veterans Affairs (VA):

Step 1: You must attain initial accreditation status by completing and sending VA Form 21a to the Office of the VA General Counsel (VAGC). After a few weeks, VAGC notifies you whether you have attained initial accreditation status. If accredited, you are authorized to practice before VA and may represent VA claimants.

Step 2: To maintain accreditation status, you must complete three hours of continuing legal education (CLE) meeting VA requirements within the one-year period starting on the day that VA accords you initial accreditation status and an additional three hours for every subsequent two-year period.

For more information about VA accreditation, links to VA forms, and CLE information, see Accreditation Frequently Asked Questions, www.va.gov/ogc/accred_faqs.asp.

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