

Department of New York

Veterans Services Policy and Procedures



July 18, 2018

NOTE: The Veterans Services Committee (formerly known as the VA&R Committee) was changed at the 98th Annual Department Convention. This policy was rewritten from the revised Department of New York VA&R Guide of August 2010.

Mission Statement

The Mission of the American Legion Department of New York Veterans Services Committee is to provide policy and guidance to all aspects of the Department's Veterans Services Program that directly impacts the health and welfare of our nation's veterans and survivors living in New York State.

Through various subcommittees, it will establish and perfect the training of all American Legion Accredited Service Officers and provide consistent guidance to all Accredited Service Officers and VAVS Directors and Deputies.

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Veterans Services Committee Framework

Chairperson — Appointed by Department Commander

Vice-Chairperson — Recommended by Committee Chairperson to Department Commander

Department Service Officers (DSOs) — Employees of the American Legion, Department of New York

District Chairperson (10) — Recommended by District Commanders to Department Commander

Consultant — Appointed by the Department Commander

Sub-Committees

Accreditations & Cancellations Committee

Health Care Committee Homeless Veterans Committee

Legislative Committee

National Cemeteries Committee

Resolutions Committee

Service Officer of the Year Committee

Service Officer Training Committee

VA Volunteer Services (VAVS) Committee

Women Veterans Committee

Veterans Services Committee

Chairperson: Appointed by the Department Commander responsible for the oversight of the work of the entire Veterans Services Committee (VSC) and subcommittees. The Chairperson shall appoint all subcommittee chairs annually. The Chairperson must work closely with the Department Adjutant and Headquarters Staff and must report semi-annually to the Department Executive Committee on the status of the Veterans Service Committee and programs. The Chairperson must ensure compliance with the National Organization and Department Organization policies and guidelines. The Chairperson must be able to make decisions as necessary concerning the efforts of the Veterans Services Committee.

Vice-Chairperson: Recommended by Committee Chairperson to Department Commander. Assists the Chairperson with committee responsibilities as the Chairperson designates and acts on behalf of the Chairperson when not physically available.

Department Service Officers: The Department Service Officers (DSOs) are charged with the administration of the American Legion Rehabilitation Offices located in the Veterans Administration Regional Offices (VAROs) in Buffalo and New York City, New York and are employees of the American Legion Department of New York. A complete job description is available at the Department Headquarters. The DSOs maintain close liaison with the VARO staffs and American Legion Accredited Service Officers at the County and City offices throughout the Department of New York. The DSOs review all ratings for which the American Legion is designated as the representative. The DSOs use the Veterans Services Committee as a reporting vehicle and coordinate their duties with the functions of the Committee. The DSOs are also required to make semiannual reports at the Midwinter Conference and Department Conventions that are reviewed by the Committee for compliance with National Policies.

District Chairperson: Recommended by the District Commanders to the Department Commander. The Department of New York is divided into ten (10) Districts and each District will have a Veterans Services Committee Chairperson. The District Chairmen are responsible to their respective District Commanders and the Department Veterans Services Committee. District Chairpersons must be accredited American Legion Service Officers whenever possible.

Their duties include, but are not limited to:

1. The dissemination of information obtained at the Department Veterans Services Committee meetings and/or received from the committee of veterans' benefits and issues, to members of the American Legion through American Legion District and

County meetings. In the absence of the District Veterans Service Committee Chairman the district commander may authenticate and forward required certifications.

2. The District Chairperson will facilitate the appointment of an American Legion eligible member to serve as an accredited representative in any county within the district, where no accredited representative exists. This is to be accomplished by working closely with the Chairperson and respective DSO.
3. The District Chairperson will review for compliance and submission of all forms necessary under the Department of New York policy for Accreditation and Cancellation of Accreditation for individuals applying for accreditation with The American Legion as Service Officers and those Legionnaires applying for status as an American Legion representative or deputy representative, in the American Legion Veterans Administration Volunteer Service. This also requires close coordination with the VAVS Committee Chairperson.
4. The District Chairperson will assist with identifying and recommending candidates for Service Officer of the Year from their respective districts.
5. The District Chairmen will submit semi-annual reports to the Veterans Services Committee Chairperson two weeks prior to the Department Midwinter Conference and Convention. These reports will summarize District activities and concerns involving veterans' care and services including VA Medical Centers in their respective districts.

Consultant: The Consultant is appointed by the Department Commander and serves at the pleasure of the Commander. The Consultant assists the Chairperson and Vice Chairperson as necessary.

NOTE 1: Typically, the Consultant is the most recent past Chair of Veterans Services Committee.

NOTE 2: All Members of the Department Veterans Services Committee contact information can be found in the Department Committee Pamphlet or on the Department Website.

Sub-Committees

Accreditation & Cancellations Committee: The Veterans Services Committee Chairperson is responsible to the Department Commander for proper adherence to Department of New York policy for the accreditation and cancellation of accreditation of service officers through The American Legion.

Note 1: National policy establishes many of the procedures discussed below and does not include those that are be specific to the Department of New York.

Note 2: The Department of New York will not entertain pursuit of Accreditation for any AL member outside the confines of the Department of New York.

These policies are established to insure that:

- A. Individuals accredited as service officers through The American Legion are qualified in the preparation, presentation, and prosecution of claims for veterans' benefits.
- B. The service officer must have successfully completed the Department Basic Training Course; or if previously accredited by the American Legion Department of New York, completed refresher training as provided by the Department Training Committee and agree to attend the next annual advanced training. If accredited by an organization other than the American Legion, completion of refresher training will also be required.

Procedures for Accreditation as a Service Officer:

See Instructions for Accreditation attached.

- A. The candidate for accreditation must be of good character and reputation, and an American Legion member in good standing or an employee of The American Legion, and must be involved with the preparation and presentation of claims for veterans or their dependents.
- B. The candidate must have successfully completed the Basic Training program approved by the Department Veterans Services Committee, or otherwise demonstrate to the satisfaction of the Department Veterans Services Committee the ability to present claims before the US Department of Veterans Affairs (VA).
- C. The candidate must secure a written request for appointment as an accredited representative from the Commander of the Post in which he/she is a member and forward to the appropriate County Commander for endorsement. The request must then be submitted to the District having jurisdiction over the respective county for endorsement by the District

Chair. ***County and District endorsements should be included at the bottom of the Post letter.*** The Post request for appointment, with the County and District endorsements, VA Form 2-21, a copy of the candidate's American Legion Membership Card and a copy of the candidate's Military Separation Record (DD Form 214), must be submitted to the Department Veterans Services Committee Chairperson prior to consideration by the Veterans Services Committee.

- D. The candidate's application package will then be forwarded to the Department Veterans Services Training Committee and the candidate will be invited to complete the Basic Training Course.
- E. The candidate must agree to follow procedures adopted by the National American Legion VA&R Commission for the processing of any claims where The American Legion holds the Power-of-Attorney.
- F. The Chairperson of the Department Veterans Services Committee will forward the candidate's package to the US Department of Veterans Affairs for immediate Accreditation.

Procedures for Termination of Accreditation:

- A. Termination of Accreditation may be requested by the Accredited Representative
- B. Revocation or suspension of Accreditation may be recommended by (1) the District Veterans Service Committee Chair which has jurisdiction of the Representative, (2) by a Department Service Officer, or (3) by the Department Veterans Services Committee Chairperson.
- C. Upon receipt of written information indicating improper conduct or performance, the Department Veterans Service Committee will inform the Representative of the allegations, and an inquiry will be conducted.
 - 1. If the result of the inquiry does not justify further action, the Department Veterans Services Committee Chair will close the inquiry and maintain the record for two (2) years. Appropriate notification will be sent to the Representative.
 - 2. If the result of the inquiry justifies further action, the Department Veterans Services Committee shall take immediate steps to suspend accreditation. The notice of revocation or suspension will state the reason, and advise that additional evidence may be submitted or a hearing requested (or both), within thirty (30) days of receipt of the notice. A request for an extension will be considered, if justified by circumstances.

- 3.** Accreditation shall be suspended or revoked upon a finding by clear and convincing evidence of any of the following:
 - a.** The Representative violates or refuses to comply with the Constitution and By-Laws of The American Legion, Department of New York.
 - b.** A violation or refusal to comply with the laws administered by the VA or with the regulations or instructions governing practice before the VA.
 - c.** Demanding or accepting any compensation for preparing, presenting, prosecuting, advising or consulting concerning a claim.
 - d.** Any other unlawful, unprofessional, or unethical practice. (Unlawful, unprofessional, or unethical practice shall include but is not limited to the following: deceiving, misleading, or threatening a claimant or prospective claimant, neglecting to prosecute a claim, willfully withholding an application for benefits). This includes arrest and/or conviction of civil offenses.
 - e.** Upon written notification from the Department Service Officer to the Department Veterans Services Committee Chairperson stating a Representative has not actively prosecuted claims as an American Legion Representative.
- D.** Final Action to suspend or revoke any accreditation will be taken only as a result of approval by a majority of the Department Veterans Services Committee. Approval by the Committee will be forwarded to the Department Adjutant for final action.
 - 1.** Pursuant to the purpose of this policy, accredited representatives are expected to maintain a high level of competency in the prosecution of claims. Accredited representatives are expected to obtain formal, professional continuing education, as approved by the Chairperson, Vice Chairperson, and Consultant, at least every other year.
 - 2.** Accreditation will be revoked upon recommendation of the National VA&R Director or by a finding that the individual failed to comply with National VA&R Policies and Procedures as written or directed, including but not limited to the successful completion of the National VA&R Continuing Accreditation Training and Examination.

Procedures Regarding Changing of Representation:

When a claimant changes representation from The American Legion to another VA recognized organization, agent or attorney, upon claimant cancellation notification of representation by The American Legion, the American Legion Accredited Representatives, Department of New York, shall complete the following actions:

Note: American Legion Accredited Representatives are not to accept POA from anyone who is being represented by an attorney or agent. Furthermore, American Legion Accredited Representatives are not to accept POA from anyone who is under appeal and being represented by another Veterans Service Organization

Immediately contact the claimant to confirm the claimant's intent.

- a. If the claimant prefers to have American Legion Representation, have the claimant complete a new VA Form 21-22 reappointing The American Legion as representative.
- b. If the claimant wishes to continue with the newly appointed organization, the claimant should be informed that his local file will be sealed and stored.
- c. Whenever a VA Form 21-22 is completed, it must be forwarded to the appropriate Department Service Officer.
- d. If after taking POA and finding that the claimant was previously represented by an agent of attorney OR finding that the claimant was under appeal with another Veterans Service Organization, the POA shall be revoked by submitting a VA form 21-4138 to the appropriate DSO office.

Change of Representation taken by The American Legion, Department of New York Accredited Representative.

Notwithstanding The American Legion National Policy on Change of Representation, the following shall be adhered to by all American Legion Accredited Representatives within the Department of New York:

The Department Service Officer of either New York or Buffalo shall be notified via fax or email immediately whenever an American Legion Accredited Representative accepts a new VA Form 21-22 in favor of The American Legion, on an active claim, where the claimant was previously represented by another VA recognized Organization.

Notice shall include:

- A. Name of Veteran
- B. Claimant's name if not the Veteran
- C. VA File Number
- D. Veteran's Social Security Number
- E. Previous Organization that represented the claimant
- F. Issues at hand including current issue, new issues and or
- G. Appeal of a previously denied claim (not yet in appeal status)
- H. Other information deemed appropriate

Health Care Committee: The Chairperson, with approval of the Department Commander, will appoint a Chairperson of the Department VA Healthcare Facilities Task Force. The Task Force Chairperson will monitor the VA Health Care System to ensure New York State veterans are provided primary care, specialized care and related medical and social support services. The Task Force Chairperson will appoint additional American Legion members to assist in the oversight of the varied and numerous VA Medical facilities throughout the state of New York.

The Chairperson will:

- A. Conduct training for the members of the Task Force to ensure all are aware of issues at hand and understand the important aspects of VA Health Care.
- B. Liaison with the VISN 2 Director and staff regularly to ensure appropriate information is provided to the veterans by way of the Veterans Services Committee members and local Veterans Service Officers.
- C. Establish an annual schedule to conduct site visits of VA Health Care Facilities and other facilities deemed necessary.
- D. Prepare a written report not later than June 1st of current year of VA Health Care Facilities visited with findings and conclusions.
- E. Coordinate with the National VA&R Commission on all topics concerning VA Health Care.
- F. Represent and intervene on behalf of any veteran referred by a service officer concerning inadequate health care.
- G. Monitor activities of the New York State Nursing Homes and Vet Center within New York State.
- H. Report to the Department Veterans Services Committee at each annual Mid-Winter and Department Convention.

Homeless Veterans: The Chairperson reports to the Department Veterans Services Committee on issues concerning homeless veterans including current legislation, VA benefits and outreach programs, VA and Department "stand-downs," and changes needed to the Homeless Veterans Service Directory, and promotes VA and Department programs to include awareness of the homeless veterans. The Chairperson will report to the Department Veterans Services Committee at each annual Mid-Winter Conference and Department Convention. The Chairperson shall also research available grants for Homeless Veterans programs and if applicable and approved by Department, apply for same.

Legislative Committee: The Chairperson will inform the Department Veterans Services Committee of current pending legislation at the State or National levels affecting veterans affairs and rehabilitation issues. The Chairperson shall make recommendations for any resolutions in support or opposition to relevant legislation. The Chairperson will report to the Department Veterans Services Committee at each annual Mid-Winter Conference and Department Convention, and notify the DVS chair or vice-chair of any emergent unexpected new legislation.

National Cemeteries Service: The Chairperson will advise the Department Veterans Services Committee of current legislation affecting the National Cemetery Administration including budget, changes in eligibility, and construction of new cemeteries. The Chairperson shall recommend, by way of resolution, any necessary changes to the Department or National policy affecting our National Cemeteries. The Chairperson will report to the Department Veterans Services Committee at each annual Mid-Winter Conference and Department Convention.

Resolutions: The Chairperson is responsible for the preparation and presentation of resolutions as directed by the Veterans Services Committee on all issues affecting the Department of Veterans Affairs and veterans. The Chairperson will report to the Department Veterans Services Committee at each annual Mid-Winter Conference and Department Convention.

Service Officer of the Year: The Sub-Committee members shall be appointed annually by the Veterans Services Committee Chairperson and shall be comprised of an odd number of members including the Department Service Officers from the Buffalo and New York VA Regional Offices, and such other members as may be deemed appropriate. The Department Veterans Services Committee Chairperson shall be an ex-officio member of the Sub-Committee. The purpose of the Committee is to recognize and encourage the extraordinary dedication and technical expertise of professional service officers in executing advocacy services for military personnel, veterans, and their dependents. Solicitation for Service Officers of the Year nominations shall be mailed by the Department Service Officer Sub-Committee members to the counties under their jurisdiction no later than two months prior to the Mid-Winter Conference. The Chairperson of this Sub-Committee will report to the Department Veterans Services Committee at each annual Mid-Winter Conference and Department Convention.

Service Officer Training: The Sub-Committee members shall be appointed annually by the Veterans Services Committee Chairperson and shall be comprised of the following members: Director of Service Officer Training, Consultant, at least three current Service Officers from the county level, and such other members as may be deemed appropriate. The sub-Committee shall facilitate a continuing program of training for American Legion Accredited Representatives, and basic training for candidates for accreditation. Such training shall conform to policies of the American Legion's National and Department of New York policies, and all applicable federal statutes, regulations, and policies. The Sub-Committee shall utilize all appropriate educational resources within and outside The American Legion to establish and maintain the highest possible level of competence and expertise among those Service Officers representing The American Legion within the Department of New York. The Sub-Committee Shall:

- A. Maintain a high level of knowledge of such laws, regulations, and policies such as Title 38 United States Code and others pertaining to the effective execution of the responsibilities of Service Officers;
- B. Develop and oversee a Training program that is both time and cost efficient for both the Department of New York and the County Service Officers (such as computer based training);
- C. Schedule and facilitate ***Basic Training*** as required for candidates for accreditation. The Training Director will send to each Basic Training candidate a packet to include but no limited to the following:
 1. Dates, times, and place of training

2. A checklist of what to bring to training (including the documentation required for accreditation) as discussed previously in this policy.
- D. Schedule and facilitate annual *Advanced Training* for Accredited Representatives.
- E. Inform the Department Veterans Service Committee Chairperson of the training status of each American Legion Accredited Representative within the Department of New York.
- F. Maintain a current and accessible "Service Officer" roster of all American Legion Accredited Representatives within the Department of New York on the Department Website.
- G. Report to the Department Veterans Services Committee at each annual Mid-Winter Conference and Department Convention.

VA Volunteer Services (VAVS) Committee: The Chairperson is responsible for ensuring proper adherence to Department and National policies for approval and/or cancellation of all American Legion VAVS applications for submission to the Department Veterans Services Chairperson. The Chairperson will maintain communications with all VAVS Representatives and Deputy Representatives at VA Medical Centers in New York State on issues of mutual concern. The Chairperson will report to the Department Veterans Services Committee at each annual Mid-Winter Conference and Department Convention.

Qualifications for Certification as VAVS Representative or Deputy:

- A. The individual must be of good character and reputation and be a member in good standing of The American Legion.
- B. The individual must possess the following:
 1. Sincere interest in the welfare of hospitalized veterans.
 2. Knowledge of The American Legion purpose and policies.
 3. Leadership ability to work with others.
 4. Ability to communicate between the VA and The American Legion.
 5. Time and energy to accomplish required work and attend regularly scheduled meetings.

Procedures for Certification as VAVS Representative or Deputy:

- A.** The candidate must secure a written request for certification from the Commander or Adjutant of the candidate's County Committee.
- B.** The County will send the request with a copy of the candidate's Military Separation Record and current American Legion Membership card to the District Veterans Services Committee Chair for District review and approval.
- C.** The District Chair will complete the Recommendation for Certification Department VAVS Representative/Associate Representative form (attached) and forward the request to the Department VAVS Chairperson for the consideration and recommendation through the Department Veterans Services chairperson.
- D.** The Department Adjutant will send the Recommendation for Certification to the Nationally Authorized Certifying Official of the American Legion.
- E.** Upon notification of approval, the Department Adjutant will forward a copy of the approval to the VAVS Chairperson.

Procedures for Termination of Certification as VAVS Representative or Deputy:

- A.** Certification may be cancelled by request of a certified individual.
- B.** The District Chairperson having jurisdiction over the Representative may recommend revocation or suspension. The District Chairperson's recommendation must be presented to the Department Veterans Services Committee Chairperson.
- C.** Upon receipt of written information indicating improper conduct or performance, the Department Veterans Services Chairperson will inform the Representative or the Deputy Representative, of the allegations, and an inquiry will be conducted.
 - 1.** If the result of the inquiry does not justify further action, the Department Veterans Services Committee will close the inquiry and maintain the record for two (2) years. Appropriate notification will be sent to the certified official.
 - 2.** If the result of the inquiry justifies further action, the Department Adjutant shall take immediate steps to suspend certification. The notice of suspension will state the reason and advise that additional evidence may be submitted or a hearing (or both) within thirty (30) days of the date of the notice. The time may be extended for sufficient reason.

3. Certification shall be suspended or revoked upon a finding by clear and convincing evidence of any of the following:
 - a. A violation or refusal to comply with the Constitution and By-Laws of The American Legion Department of New York.
 - b. A violation or refusal to comply with the laws or regulations administered by the US Department of Veterans Affairs.
 - c. Demanding or accepting compensation for voluntary services.
 - d. Any other unlawful, unprofessional, or unethical deemed practice.
- D. The US Department of Veterans Affairs regulations require automatic removal of the name of voluntary organization from the cumulative attendance record when the organization has not been represented by either the certified Representative or the certified Deputy at three consecutive regularly scheduled quarterly meetings of the Medical Center VAVS Advisory Committee. Reinstatement is authorized on certification of a new VAVS Representative or Deputy Representative by the Nationally Authorized Certifying Official or a statement by him/her to the Medical Center Director that action has been taken by the Department to ensure that the formerly certified VAVS Representative or Deputy Representative will attend future VAVS Committee meetings regularly.
- E. Final action to suspend or revoke any individual's certification will be taken only as a result of approval by the majority of the Department Veterans Services Committee. Approval by the Veterans Service Committee will be forwarded to the Department Adjutant for processing and forwarding to the Nationally Authorized Certifying Official of The American Legion.

Women Veterans Committee: The Chairperson is responsible for identifying and monitoring women veteran issues including, but not limited to, veterans benefits, health care, and compliance with National policies regarding women veterans. The Chairperson will act as the primary advisor to the Department Veterans Services Committee on all matters related to programs, and initiatives for and affecting women veterans. The Chairperson shall supply all Districts with information regarding women veterans' issues. The Chairperson will report to the Department Veterans Services Committee at each annual Mid-Winter Conference and Department Convention. The Chairperson shall identify and communicate with liaisons within VISN 2 and coordinate information between the same.

**VSC CERTIFICATION FORMS DEPARTMENT VAVS
REPRESENTATIVE 1 ASSOCIATE REPRESENTATIVE ****
Information Sheet

Each Department of Veterans Affairs medical facility has a Veterans Affairs Voluntary Service (VAVS) Committee made up of organizations whose members participate in the VAVS program for the benefit of veteran patients. Each organization may certify one representative and up to three deputy representatives to serve on this Committee.

(**To develop and coordinate volunteer services from adjoining states, one associate representative and one deputy associate representative from each concerned state, may be certified to the VAVS Committee for out-of-state members participating in a medical center VAVS program.)

The actual certification of a representative to the director of the VA medical facility is done by the National Certifying Official, the Director of the Veterans Affairs & Rehabilitation Commission. The VA&R Director, however, relies on Department officials to recommend an effective local leader for this important committee assignment.

The caliber of participation in the VAVS program is often directly related to the caliber of the leadership provided by the VAVS representatives. Therefore, too much emphasis cannot be placed on the proper selection of these individuals.

Qualifications for a VAVS Representative are outlined in the VA pamphlet, *Guidelines for VAVS Representatives and Deputy Representatives*.

Enclosed are the forms to request the certification of individuals.

**RECOMMENDATION FOR CERTIFICATION
DEPARTMENT VAVS REPRESENTATIVE/
ASSOCIATE REPRESENTATIVE
The American Legion**

Dear National VAVS Representative:

We are recommending to you our Department

VAVS Representative or

Associate Representative

This appointment is:

new a re-certification a replacement

Date: _____

VA MEDICAL FACILITY: _____

Name _____

Mailing Address _____

Telephone Number _____

Length of Appointment _____ Indefinite

Legion ID # _____

Post # _____

(If this appointment replaces an existing Representative or Associate Representative, please provide the following information about the replaces representative.)

Name _____

Mailing Address _____

Legion ID # _____ Post # _____

DEPARTMENT VAVS CHAIR CERTIFICATION TO DEPT.

DEPARTMENT OF NY

DEPARTMENT OFFICIAL

Signature

Mail to:

Director, VA&R Commission

The American Legion

1608 K Street, NW

Washington, DC 20006

Attn: Deputy National Representative

Kmittchell@legion.org

**RECOMMENDATION FOR CERTIFICATION
DEPARTMENT VAVS DEPUTY REPRESENTATIVE 1
DEPUTY ASSOCIATE REPRESENTATIVE
The American Legion**

Dear National VAVS Representative:

We are recommending to you our Department

VAVS Deputy Representative(s) or

Deputy Associate Representative

This appointment is:

new a re-certification a replacement

Date: _____

VA MEDICAL FACILITY:

1. Name _____

Mailing Address _____

Telephone Number _____

Length of Appointment _____ Indefinite

Legion ID # _____ Post # _____

(If this appointment replaces an existing Deputy or Associate Deputy Representative, please provide the following information about the replaced Deputy Representative.)

1. Name _____

Mailing Address _____

Legion ID _____ #

Post #

This appointment is:

[] new [] a re-certification [] a replacement

2. Name _____

Mailing Address _____

Telephone Number _____

Length of Appointment _____ Indefinite

Legion ID # _____ Post # _____

(If this appointment replaces an existing Deputy Representative, please provide the following information about the replaced Deputy Representative.)

2. Name _____

Mailing Address _____

Legion ID # _____ Post # _____

This appointment is:

[] new [] a re-certification [] a replacement

3. Name _____

Mailing Address _____

Telephone Number _____

Length of Appointment _____ Indefinite

Legion ID # _____ Post # _____

(If this appointment replaces an existing Representative or Associate Representative, please provide the following information about the replaced representative.)

Name _____

Mailing Address _____

Legion ID # _____ Post # _____

DEPARTMENT VAVS CHAIR CERTIFICATION DEPT.

DEPARTMENT OF NY DEPARTMENT OFFICIAL

Signature

Mail to:

Director, VA&R Commission
The American Legion
1608 K Street, NW
Washington, DC 20006
Attn: Deputy National Representative
Kmitchell@legion.org