

“In the Trenches”

Course Outline

Day 1

8:30 – 8:45

I. Introduction

- A. Why are we Discussing VA Benefits?
- B. History of VA
- C. Mission of VA
- D. Veteran Statistics

8:45–9:00

II. Overview of VA Organizational Relationships

- A. Office of the Secretary
- B. Office of the General Counsel
- C. Veterans Benefits Administration
- D. Veterans Health Administration
- E. National Cemetery System

9:00–9:30

III. Applicable Laws

- A. Adjudication of VA Claims
 - 1. Title 38 USC
 - 2. 38 CFR
 - 3. Case law
 - 4. General Counsel Opinions
 - 5. M21-1
 - 6. M21-MR
- B. Representation of a Claimant
 - 1. 38 CFR 14.629
 - 2. VA Form 21a

9:30 – 10:30 (ETHICS HOUR)

IV. Attorney Fees

- A. 38 CFR 14.636
- B. Lane Evans Letter May 24, 2004
- C. Richard Hipolit Letter, VA Office of General Counsel, September 2008
- F. Fee Agreements

10:30 – 10:45 Break

10:45 – 11:30

V. Veterans Health Administration

- A. VA Clinics
- B. VA Federal Nursing homes
- C. Private Nursing Homes with VA contract
- D. State VA Nursing homes
- E. Prescriptions
- F. VA Form 10-10EZ B Application for Health Care Benefits
- G. VA Form 10-10EC – Extended Care Services

11:30 – 12:30

VI. Veterans Benefits Administration

- A. Service Connected Disabilities
 - 1. Veterans' Claims
 - 2. Qualified Family Members' Claims

- B. Non-Service Connected Benefits
 - 1. Basic Eligibility Criteria
 - 2. Types of Improved Monthly Pension Benefits
 - A. Low Income Pension
 - B. Housebound Pension
 - C. Aid and Attendance Pension
 - 3. Income Limits
 - 4. Asset Requirements
 - A. Standard
 - B. Presumption of Sufficient Means
 - C. Age Analysis

12:30 – 1:30 LUNCH

1:30 – 2:15

VII. Basic Planning Techniques for VA Eligibility

- A. Income Reductions
- B. Asset Reductions
- C. Scenarios

2:15 – 2:30 Break

2:30 – 4:00

VIII. Complex Planning Techniques

- A. Trusts
 - 1. General Counsel Opinions
 - 2. Income Only Trusts fbo Grantor
 - 3. Income Only Trusts fbo 3rd party, not Grantor
- B. Life Estates
- C. Annuities/Insurance

- D. Home Equity
- E. Scenarios

4:00 – 4:30

IX. Complications with Medicaid

- A. Choosing between Compensation and Pension
- B. Qualified Income Trusts
- C. VA FORM 21-0779

4:30 – 5:00

X. Application Process

- A. Helpful Tips
- B. Application Forms
- C. Application Pitfalls

HOMEWORK – 2 hours

Day 2

8:30 – 9:00

XI. Homework Review

9:00 – 10:30

XII. Working with VisPro Software – Application process

10:30 – 10:45 Break

10:45 – 12:00

XIII. Appealing a VA Decision (TRIAL HOUR(s))

- A. Regional Office
 - 1. Request for Reconsideration
 - 2. Notice of Disagreement
 - 3. Hearing
- B. Board of Veterans Appeals (BVA)
- C. U.S. Court of Appeals for Veterans Claims (CAVC)
- D. U.S. Court of Appeals for the Federal Circuit

12:00 – 1:30 LUNCH

1:30 – 2:00

XIV. Resources for Practitioners

- A. Veterans Benefits Manual, published by Lexis
- B. M21-1 and M21-1MR
- C. VisPro Software
- D. General Counsel Opinions
- E. Court of Appeals for Veterans Claims Bar Association
- F. National Organization of Veteran Advocates (NOVA)
- G. Veteran Advocates Group of America (VAGA)
- H. VA blogs and listservs
- I. Other Helpful resources

2:00 – 2:15 Break

2:15 – 3:45

XIII. Marketing Your VA Law Practice

- A. In the Office
- B. Public Information/Education
- C. Education to Professionals in your State
- D. Marketing Materials You take with you**
 - 1. Desk Reference Sheet x 2
 - 2. Marketing Letter to Professionals
 - 3. Marketing Letter to Health Care Professionals
 - 4. Marketing Letter to current/prior clients

4. Newspaper Advertisement
5. Community Seminar Handout for attendees
6. Health Care Flyer
7. VA Benefits CLE white paper
8. VA Benefits CLE Power Point Presentation
9. Top 10 List of VA Claims mistakes

3:45 – 5:00

Questions and Answers