

# Military Order of the Purple Heart

*“Combat Wounded”*



Chartered By Congress

## **The National Service Program Handbook For Department Service Officers Chapter Service Officers**

***“Teamwork” in Action***

October 1, 2010

# **Military Order of the Purple Heart Department Service Officer - Chapter Service Officer Handbook**

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## **Section A. Roles and Responsibilities of MOPH Service Officers**

### **1. INTRODUCTION.**

The primary purpose of this handbook is to provide an overview of the duties and responsibilities of the Military Order of the Purple Heart's (MOPH) Service Officers. A compilation of commonly used VA Forms is also included as well as a directory of on-line resources. This document not intended to replace any current guidance within the Department; rather, it is intended to provide a method of ensuring that all Department and Chapter Service Officers nationwide have a standardized blueprint from which to work. The goal is to service all within the veteran community in a systematic and uniform manner, adding credibility to our organization and providing outstanding service to all veterans.

### **2. NATIONAL SERVICE DIRECTOR.**

The National Service Director (NSD) is responsible for all service programs within MOPH. The NSD issues Service Officer policies, procedures and directives and is responsible for the training and accreditation of the National Service Officers. Although Department and Chapter Service Officers are appointed by their respective Department/Chapter Commanders, they must adhere to all directives of the NSD with respect to veteran's claims. This compliance is necessary to ensure uniformity of services and to prevent liability issues from non-compliance.

### **3. SERVICE OFFICER CODE OF ETHICS.**

Service Officers, whether they are *accredited* National Service Officers or Department/Chapter Service Officers, are obligated to operate under a strict Code of Ethics. The Code of Ethics is:

a. Confidential information, whether supplied by the veteran, the VA, or other parties shall remain confidential and shall not be released or discussed except to those personally connected to the case with a need-to-know in order to assist the veteran or the veteran's dependents.

b. The Service Officer shall prepare and perfect all claims to the best of his/her ability with the intent of affording the claimant the benefits to which they are entitled. The Service Officer must insure that all information is true and factual to the best of his/her knowledge.

c. The Service Officer shall maintain high professional standards in dealing with other service officers and other persons and agencies as necessary in his service to his/her client.

d. The Service Officer shall provide services, without prejudice, to all persons making a claim to the VA.

e. The Service Officer shall, to the best of his/her ability, maintain a working knowledge of all rules and regulations concerning veterans' benefits and shall strive to keep such knowledge updated in light of constantly changing laws and regulations.

f. Service Officers shall not, under any circumstances, accept remuneration in cash or other for services rendered.

g. National Service Officers shall not, under any circumstances, serve as guardians, committees, or fiduciaries for any other individuals receiving benefits from the Department of Veterans Affairs or any other agency.

#### 4. **NATIONAL SERVICE OFFICERS.**

MOPH National Service Officers (NSOs) are employees of the MOPH organization who have been *accredited* by the Department of Veterans Affairs (VA) to act as advocate representatives for veteran and dependent clients. As employees, only NSOs are covered by MOPH liability insurance for any errors and omissions made in the course of representing their clients before the VA. This is the reason *accredited* NSOs are the only type of Service Officer allowed to formally accept Power of Attorney (POA) on behalf of MOPH. MOPH NSOs are stationed in over 85 locations throughout the United States, Mexico, Puerto Rico and Guam. Most are located at various VA facilities, including, but not limited to, VA Regional Offices, VA Medical Centers, Veteran Centers, CBOCs, and other veteran facilities. Other NSOs are located at military locations. Current contact data for the nearest MOPH accredited NSO is on the MOPH website, [www.purpleheart.org](http://www.purpleheart.org), under the Service Program's banner, "Directory of Blank Forms", click on "*Download the Complete Service Program Directory in Word Format.*"

The duties of the accredited NSO, as outlined in the MOPH National Service Officer Policy and Procedures Manual, include, but are not limited to, "providing free assistance, service, and representation to all eligible United States veterans and their dependents, survivors, widows, and orphans." NSOs represent claimants seeking benefits for compensation, pension, medical care, education, job training, employment, and "veteran's preference" housing, death, and burial benefits. NSOs also identify and assist homeless veterans and provide assistance to unemployed and/or underemployed veterans with employment opportunity resources, informing those veterans afflicted with psychological disorders where to receive appropriate individual and family counseling and other necessary medical treatment. NSOs representing veterans and their dependents seeking VA benefits play the role similar to attorneys in providing representation before the VA Regional Offices (VAROs) and the Board of Veterans' Appeals (BVA, or Board).

To be most effective, the NSO must have a thorough understanding of the statutes and regulations that govern the adjudication of claims for VA benefits and, just as important, have a thorough understanding of the internal VA claims process. Accredited MOPH NSOs undergo a vigorous 16-month NSO training course covering a wide variety of mandated topics, rules and regulations. Additionally, the MOPH NSO must annually attend a week-long training seminar conducted by the MOPH National Service Program and attend a variety of training sessions sponsored by the VA.

#### 5. **DEPARTMENT SERVICE OFFICERS.**

The Department Service Officer (DSO), with guidance from the NSD and working with the nearest accredited MOPH NSO, advises and assists veterans and their dependents with claims for benefits from any government agency and assists veterans in securing suitable employment.

There is, however, a distinct difference in the responsibilities of a DSO and the NSOs who are **accredited** veteran service organization (VSO) representatives. The DSO shall advise and assist veterans, their dependents, and survivors in the technical preparation and submission of their claims for benefits from the VA directly to the nearest NSO. The DSO shall also assist the veteran in securing suitable employment.

One of the DSO's major responsibilities is to assist and cooperate with the subordinate Chapter Service Officers (CSO) in the following areas:

- Provide information regarding the veteran's claim process, in coordination with the NSO
- Assist veterans in filling out a Veterans Application for Compensation and/or Pension (VA Form 21-526)
- Provide information regarding healthcare facilities
- Assist veterans in preparing a Request for Health Benefits (VA Form 10-10EZ)
- Provide assistance to widows, children, and survivors of deceased veterans
- Assist veterans in obtaining copy of DD-214 or DD-215
- Liaison with State Service Officers and County Service Officers
- Make periodic reports of his activities to the Department Commander and provide ad hoc reports to the NSO and NSD when requested.

Remember, this is only an overview. The Department Commander may assign other collateral duties to the DSO.

The DSO is important to the success of MOPH's support to veterans, but it is critical **that DSOs appreciate the somewhat limited role they play in assisting veterans with the VA claims process.** Some DSOs do not have sufficient training to do more than assist the veteran in completing certain forms and refer the veteran to a NSO to meet his or her needs. A DSO should **never formally accept** a Power of Attorney (VA Form 21-22 – Appointment of Veterans Service Organization as Claimant's Representative), promise a veteran a specific outcome on a claim, or promise a veteran a time frame for a claim to be adjudicated by the VA. The matter **must** be referred to an accredited NSO. It is imperative that the DSO contact the NSO as soon as a veteran client is identified. The NSO **MAY** be able to immediately file an informal claim with the VA, securing a "date of claim" sooner, rather than later.

It is also the responsibility of the DSO to maintain open communications and a professional working relationship with the NSO's Regional Field Supervisor (RFS). The RFS manages his/her region at the direction of the NSD and is charged with overseeing the NSOs within his/her region.

The DSO plays a vital role in the overall health of our service program. The DSO must have the ability to communicate up and down the chain of command. It is imperative that all NSD directives and policies and procedures be brought to the attention of the Department Commander as well as Chapter Commanders and Chapter Service Officers.

The DSO is also charged to maintain good public relations with other non-profit and commercial organizations and government agencies that provide benefits to the veteran and his/her dependents.

## 6. **POWER OF ATTORNEY (VA Form 21-22).**

In order to highlight the importance of this issue, the Power of Attorney (POA) section has intentionally been placed between the responsibilities of the Department Service Officers and the Chapter Service Officers. The VA Form 21-22 (Appointment of Veterans Service Organization as Claimant's Representative) is used by the VA to recognize which Veteran Service Organization (VSO) is the organization of record to represent the veteran's claim. The POA must be completed and signed by the veteran/claimant. The DSO or CSO may assist a veteran in completing the POA and forwarding the POA to the NSO. The POA will to be accepted as 'in effect" only by an **accredited** NSO. **Under no circumstances** will a DSO or CSO accept a POA from any veteran for the purpose of representing the veteran and his/her claim(s) with the Department of Veterans Affairs. The matter **must** be referred to an accredited NSO. There are circumstances when the NSO may, for good and sufficient reason, reject the veteran's POA.

## 7. CHAPTER SERVICE OFFICERS.

This section is intended to clarify the duties and responsibilities of the Chapter Service Officer (CSO). The NSD is overall responsible for the Military Order of the Purple Heart's Service Programs. The NSD publishes all National Service Program policies and procedures and is responsible for the training and accreditation of its NSOs.

There is a distinct difference in the responsibilities of a CSO and the NSOs. NSOs are **accredited** veteran service organization (VSO) representatives. The CSO shall advise and assist veterans, their dependents, and survivors in the preparation and submission of their claims for benefits from the Department of Veterans Affairs directly to the nearest NSO. Other duties may include: keeping himself informed of the benefits for veterans and their families; protect and keep confidential any records held under his/her jurisdiction; make periodic reports of service activities to the Chapter; and coordinate his/her activities with the DSO.

The CSO is the front line contact for most veterans in the community. Many times this is the first contact a veteran or the family member of a veteran has with an established service organization. Some of the duties of the CSO include:

- Provide information regarding the veteran's claim process
- Assist veterans in filling out a Veterans Application for Compensation and/or Pension (VA Form 21-526)
- Provide information regarding local VA healthcare facilities
- Assist veterans in preparing a Request for Health Benefits (VA Form 10-10EZ)
- Provide assistance to widows, children, and survivors of deceased veterans
- Assist veteran with obtaining a request for his/her DD 214 or DD 215 Form
- Provide name, address and phone number of the local National Service Officer
- Preparation of Chapter Service Officer Report

The Chapter Service Officer is important to the success of the MOPH Service Program, but it is important that the **CSO appreciates the somewhat limited role they play in assisting veterans with the VA claims process**. Some CSOs do not have sufficient training to do more than refer a veteran to a NSO to meet his or her needs. A CSO should **never formally accept** a Power of Attorney (VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative), promise a veteran a specific outcome on a claim, or promise a veteran a time frame for a claim to be adjudicated by the VA. The matter **must** be referred to an accredited NSO. It is imperative that the CSO contact the NSO

as soon as a veteran client is identified. The NSO **MAY** be able to immediately file an informal claim with the DVA, securing a “date of claim” sooner, rather than later.

## 8. **VA FORMS.**

**Section B** below contains a compilation of the VA Forms most frequently used by the Service Officer, along with notes for their completion.

9. **ON-LINE RESOURCES.** Computer on-line resources are available to assist the Service Officer in the performance of his/her duties.

- VA Forms – Service Officers can download and save all VA Forms by visiting the Department of Veterans Affairs website at [www.va.gov/vaforms](http://www.va.gov/vaforms). Many of the forms can be completed on-line and printed out, ready for the veteran’s signature.
- DOD Forms – Service Officers can also download, save, and complete DD Forms by visiting the Department of Defense’s Forms Management website at [www.dtic.mil/whs/directives/infomgt/forms/formsprogram](http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram).
- Requests for records and other requests can be completed on-line and printed out, ready for the veteran’s signature at [www.archives.gov/veterans/evetrecs](http://www.archives.gov/veterans/evetrecs).
- Current contact data for the nearest MOPH accredited NSO is located on the MOPH website, [www.purpleheart.org](http://www.purpleheart.org). Under “The Service Program”, click on the “Office Locations” link. A printed roster of MOPH NSO and office locations can also be downloaded and/or printed by going to the “Download Forms” link and click on the “Download the Complete Service Program Directory in Word Format” link.

## **Section B. Forms Processing Notes**

**The basic forms listed below are used most often by the DSO/CSO:**

### **1. VA Form 21-22, Appointment of Veterans Service Organization as Claimant’s Representative**

a. The “Power of Attorney” (POA) may be completed and signed by the veteran/claimant; however, it is not considered to be “in effect” unless and until the accredited National Service Officer (NSO) accepts and approves it.

b. The accredited NSO has the authority to accept or reject the POA. If the claimant has a POA with another Veteran Service Organization (VSO) and he/she has a Notice of Disagreement (NOD) or appeal in effect, the MOPH NSO will not accept the POA.

c. The POA must be forwarded to the accredited NSO. Do not send it directly to the VA. The POA is not completed until accepted and signed by the NSO.

### **2. VA Form 21-526, Veteran’s Application for Compensation and/or Pension**

a. Which parts of VA Form 21-526 need to be completed? Use the list below to determine which parts of the application should be completed to apply for different benefits.

1) If applying for “Compensation Only”, complete Part A, Part B, and Part C.

2) If applying for “Pension Only”, complete Part A, Part C, and Part D.

3) If applying for “Compensation and Pension”, complete Part A, Part B, Part C, and Part D.

- b. If a veteran has previously submitted a VA Form 21-526 to the VA for benefits, a second VA Form 21-526 should **NOT** be filed. Only the initial VA Form 21-526 is required to adjudicate all present and future claims.
- c. Subsequent submissions of claims for benefits may be submitted in letter form or utilizing VA Form 4138, Statement in Support of Claim.
- d. Advise the veteran to provide honest answers to questions on all VA forms.
- e. Advise the veteran to provide only information that the VA specifically requests.
- f. Claimants for VA benefits are not required to volunteer negative information that would support the denial of their claims unless the VA specifically requests that information.
- g. The claimant should be sure to:
- 1) List all disabilities he/she believes are related to military service.
  - 2) List all treatments received for the disabilities, including treatments received before and after discharge and treatments received from civilian and VA sources before, during, and after service.
- h. It is recommended that the veteran provide the date the symptoms began, not the date that the veteran was first treated. This is important because the veteran may be able to establish presumptive service connection based on the symptoms noted, rather than on the date of first treatment.
- i. If the claimant does not know the answer to a question, write "I do not know" to the question. **DO NOT LEAVE THE BLOCK BLANK.** If the question asked is not applicable, write "N/A".
- j. In many instances, veterans applying for non-service connected pension may also be entitled to a higher benefit based on service connected compensation. In other instances, surviving spouses applying for non-service connected death pension may be entitled to a higher benefit based on service connected death benefits. Advise the claimant to add the following statements in the "Remarks" section of Part A, question 29.

*"This is a claim for all benefits that I may be entitled to, including, but not limited to*  
\_\_\_\_\_.

*"I am claiming service connection for all disabilities that should be considered as potentially linked to my service based on all evidence that is in my record and all the evidence that the VA should have obtained in the course of development of my claim."*

k. The VA Form 21-526 must be signed and dated by the claimant and forwarded to the accredited NSO. **DO NOT SEND DIRECTLY TO THE VA.**

### **3. VA Form 21-527, Income-Net Worth and Employment Statement**

- a. Use the VA Form 21-527 to apply for disability pension if the veteran has previously filed a claim for compensation and/or pension.
- b. If the veteran has not previously filed a claim for compensation or pension, the veteran must use VA Form 21-526.

### **4. VA Form 21-4142, Authorization and Consent to Release Information to the Department of Veterans Affairs (VA)**

- a. The VA Form 21-4142 authorizes the VA to obtain the claimant's treatment records. Claimant must sign and date this form on page 2 and check the appropriate block in Item 9C.

b. The completed VA Form 21-4142 must be forwarded to the accredited NSO. DO NOT SEND DIRECTLY TO THE VA.

**5. VA Form 21-534, Application for Dependency and Indemnity Compensation, Death Pension and Accrued Benefits by a Surviving Spouse or Child**

a. The VA Form 21-534 serves as an application for Dependency and Indemnity Compensation (DIC), death pension, and accrued benefits

b. There are three main VA survivor benefits. A DIC application is automatically considered by the VA to be a claim for death pension and accrued benefits.

c. A claim for death pension is also considered by the VA to be a claim for DIC and accrued benefits.

d. If the survivor files for DIC but the VA does not decide entitlement to death pension, the survivor's effective date will be preserved from the date of original filing. The same is true if the survivor files for death pension and the DIC claim is not adjudicated.

e. An ORIGINAL OR CERTIFIED COPY of the veteran's Death Certificate must accompany the VA Form 21-534.

**6. VA Form 21-530, Application for Burial Benefits**

a. The VA Form 21-530 serves as an application for Burial Benefits or interment.

b. The VA will pay:

1) Burial allowance up to \$2,000 if the veteran's death is service-connected.

2) Burial allowance of \$300 for veterans who, at the time of death, were entitled to receive pension or compensation or would have been entitled if they weren't receiving military retirement pay.

3) In some cases, VA will pay the cost of transporting the remains of a service-connected veteran to the nearest national cemetery with available graveside services.

4) VA will pay a \$300 plot allowance when a veteran is buried in a cemetery not under U.S. government jurisdiction if: the veteran was discharged from active duty because of disability incurred or aggravated in the line of duty; was receiving compensation or pension or would have been if the veteran was not receiving military retirement pay; or the veteran died in a VA facility. The \$300 plot allowance may be paid to the state for the cost of a plot or interment in a state-owned cemetery reserved solely for veteran burials if the veteran is buried without charge.

5) There is no time limit for filing reimbursement claims in service-connected death cases. In non service-connected death cases, claims must be filed within two years after burial or cremation.

**7. VA Form 21-4138, Statement in Support of Claim**

a. This is a general form that can be used to file:

1) A claim for an increased disability rating,

2) Reopen a previously denied claim for service connection,

3) Initiate an appeal and/or request a hearing,

4) and other purposes.

b. If this form is being used to initiate an appeal (i.e. a "Notice of Disagreement"), the claimant should ensure that this form is forwarded to the NSO for delivery to the VA Regional

Office within one (1) year from the date of the notification letter from VA advising of the decision being appealed.

**8. VA Form 21-686c, Declaration of Status of Dependents**

a. The VA Form 21-686c is used to determine marital status and eligibility for an additional allowance for dependents under 38 USC 115.

b. Unless the claimant is the veteran's surviving spouse, the veteran must sign in item 18.

**9. VA Form 21-8940, Veteran's Application for Increased Compensation Based on Unemployability**

a. VA Form 21-8940 requires the veteran to furnish an employment history for the 5-year period preceding the date on which the veteran claims to have become too disabled to work and for the entire time after that date.

1) This form is used to apply for a total rating (i.e. 100%) based on the inability to work due to service-connected conditions.

2) What service-connected disability prevents the veteran from securing or following any substantially gainful occupation? List only those disabilities that the VA has determined to be service-connected. If the veteran is currently requesting service connection for a condition, he/she should also complete a VA Form 21-4138 indicating this.

3) List all employment, including self-employment, for the last five (5) years worked.

b. Item 24, Remarks – The claimant should provide a detailed description in the box regarding how his/her service-connected disability affected his/her ability to work.

**10. VA Form 21-4192, Request for Employment Information in Connection with Claim for Disability Benefits**

a. Each employer listed on the VA Form 21-8940 will be sent VA Form 21-4192 requesting information pertaining to the 12-month period prior to the date the veteran last worked.

b. Forms indicating only that the veteran retired will routinely require additional development to obtain information as to whether the veteran's retirement was by reason of disability, and if so, the nature of the disability for which retired.

**11. VA Form 21-4140-1, Employment Questionnaire**

a. The VA Form 21-4140-1 provides information to determine continued eligibility to compensate at the 100 percent rate based on individual unemployability (IU).

b. Section I – Complete if veteran worked for the past 12 months.

c. Section II – Complete if veteran did NOT work during the past 12 months.

d. Benefits will discontinue if form is not completed in its entirety.

**12. VA Form 21-0781, Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD)**

The VA Form 21-0781 provides information to the VA in support of a claim for post traumatic stress disorder (PTSD).

**13. VA Form 21-0781a, Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) Secondary to Personal Trauma**

The VA Form 21-0781a provides information to the VA in support of a claim for personal trauma that is the result of an event (or events) of human design that threatens or inflicts harm.

**14. Standard Form 180, Request Pertaining to Military Records**

a. This form is used to request personnel records, medical records or medals from a service department.

b. The form is available at <http://www.archives.gov/research/order/standard-form-180.pdf>

c. The form, when completed by the requester, is sent directly to the applicable agency listed at the bottom of page 2 of the form. DO NOT SEND THE FORM TO THE NSO OR THE VA.

**15. DD Form 149, Application for Correction of Military Record Under the Provisions of Title 10, U.S. Code, Section 1552**

a. This form is used to change or correct military records.

b. The form, when completed by the applicant, is sent directly to the appropriate agency listed at the bottom of page 2 of the form. DO NOT SEND THE FORM TO THE NSO OR THE VA.

**16. DD Form 293, Application for the Review of Discharge from the Armed Forces of the United States**

a. This form is used to change a veteran's discharge status.

b. Veteran may file within 15 years after separation.

c. After 15 years, the veteran must use DD Form 149.

d. The form, when completed by the applicant, is sent directly to the appropriate agency listed at the bottom of page 2 of the form. DO NOT SEND THE FORM TO THE NSO OR THE VA.