M21, Part I, Subpart i

Friday, April 4, 2025 10:55 AM

M21-1, Part I, Subpart i, Chapter 1, Section A - Description and General Information on Duty to Notify and Duty to Assist

Article ID: 554400000181474
Updated Feb 04, 2025
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Overview

In This Section This section contains the following topics:

Topic	Topic Name
1	Description of *Public Law (PL) 106-475, Veterans Claims Assistance Act of 2000*, and its Impact on 38 U.S.C. 5102, 5103, and 5103A
2	Description of *PL 112-154, Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012*, and its Impact on 38 U.S.C. 5103 and 5103A
3	*PL 115-55, Veterans Appeals Improvement and Modernization Act of 2017*, and its Impact on 38 U.S.C. 5103 and 5103A
4	Definitions Related to Duty to Notify and Duty to Assist

1. Description of PL 106-475, Veterans Claims Assistance Act of 2000, and its Impact on 38 U.S.C. 5102, 5103, and 5103A

Introduction This topic contains information about *PL 106-475* and its impact on 38 U.S.C. 5102, 5103, and 5103A, including

- description of *PL 106-475*, and
- amendment to
- 38 U.S.C. 5102
- 38 U.S.C. 5103, and
- 38 U.S.C. 5103A.

Change Date June 29, 2015

I.i.1.A.1.a. Description of PL 106-475 *Public Law (PL) 106-475*, *Veterans Claims Assistance Act of 2000*, was enacted on November 9, 2000, and

- redefined the Department of Veterans Affairs' (VA's) duty to assist claimants in obtaining evidence

necessary to substantiate a claim
- eliminated the requirement from ***Morton v. West***, 12 Vet.App. 477 (1999), that a claimant must submit a well-grounded claim before VA can assist in developing the claim, and
- mandated specific notice requirements regarding information that is necessary to substantiate a claim.

The impact on VA's duty to notify and duty to assist claimants is discussed in this chapter.

References: For more information on VA's
- duty to notify under 38 U.S.C. 5103, see **M21-1, Part III, Subpart i, 2.B**
- duty to assist with obtaining records, see **M21-1, Part III, Subpart i, 2.C**, and
- duty to assist with providing a medical examination or opinion, see **M21-1, Part IV, Subpart i, 1.A** and **B**, and
- regulation on the duty to notify and duty to assist, see **38 CFR 3.159**.

I.i.1.A.1.b. Amendment to 38 U.S.C. 5102

PL 106-475 amended **38 U.S.C. 5102** to require VA, upon a receipt of an incomplete application for benefits or an intent to claim or apply for a benefit, to
- notify the claimant of the information necessary to complete the application, and
- to defer assistance until the claimant submits the information.

Note: This includes furnishing the applicant any instructions and forms necessary to apply for that benefit.

References: For more information on
- screening applications for substantial completeness, see **M21-1, Part II, Subpart iii, 1.C.1**
- notification requirements for an incomplete application, see **M21-1, Part II, Subpart iii, 1.C.2.b and c**
- notification requirements for a request for application or an intent to file a claim, see **M21-1, Part II, Subpart iii, 1.C.2.e**, and
- prescribed forms to furnish claimants, see **M21-1, Part II, Subpart iii, 1.A.1.a**.

I.i.1.A.1.c. Amendment to 38 U.S.C. 5103

PL 106-475 amended **38 U.S.C. 5103** to require VA to notify the claimant of any information not previously provided that is necessary to substantiate the claim. The PL provided that such information shall be received by VA within one year from the date of the notification.

Note: VA has traditionally referred to the required notice in **38 U.S.C. 5103** as a *VCAA Notice*. However, because of amendments to the law since the Veterans Claims Assistance Act (VCAA) of 2000, the term *Section 5103 notice* has now replaced *VCAA Notice* and such term will be used throughout the manual.

Reference: For more information on VA's duty to notify under **38 U.S.C. 5103**, see
- **M21-1, Part III, Subpart i, 2.B**, and
- **38 CFR 3.159(b)(1)**.

I.i.1.A.1.d. Amendment

PL 106-475 amended **38 U.S.C. 5103A** to require VA to make reasonable efforts to assist a claimant in obtaining

to 38 U.S.C. 5103A	evidence necessary to substantiate a claim. This assistance includes obtaining relevant Federal records, relevant private records adequately identified by the claimant, and a medical examination, if necessary to decide the claim. ***Reference***: For more information on VA's duty to assist claimants in obtaining evidence, see • **M21-1, Part III, Subpart i, 2.C**, and • **M21-1, Part IV, Subpart i, 1.A** and **B**, and • **38 CFR 3.159(c)**.

2. PL 112-154, Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, and its Impact on 38 U.S.C. 5103 and 5103A

Introduction	This topic contains information about *PL 112-154* and its impact on 38 U.S.C. 5103 and 5103A, including • ***PL 112-154, Section 504*, authorization of use of electronic communication to provide notice to claimants for benefits**, and • ***PL 112-154, Section 505*, duty to assist claimants in obtaining private records**.
Change Date	June 29, 2015
I.i.1.A.2.a. PL 112-154, Section 504, Authorization of Use of Electronic Communication to Provide Notice to Claimants for Benefits	*PL 112-154, Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, Section 504*, amended **38 U.S.C. 5103** to streamline VA's duty to notify responsibilities. These statutory changes, among other things, permit VA to • provide Section 5103 notices by the most effective means available, including electronic communications • provide Section 5103 notices ***before***, rather than ***after***, the submission of a claim such as attaching the notice to an application • eliminate the need to provide additional Section 5103 notices on subsequent claims if the same type of Section 5103 notice has already been provided on a current pending claim within the previous year, and • utilize e-mails as a way to transmit Section 5103 notices; however, this is currently ***not*** a viable option due to privacy and security concerns. ***Important***: Although *PL 112-154* indicates that VA's duty to notify responsibilities no longer apply when VA can award the *maximum benefit* based on the evidence of record, VA will refrain from implementing procedures in the manual on this issue until a substantive rule-making is implemented through VA regulation in **38 CFR 3.159**. ***Reference***: For specific guidance on VA's duty to notify, see • **M21-1, Part III, Subpart i, 2.B**, and • **38 CFR 3.159(b)**.

I.i.1.A.2.b. PL 112-154, Section 505, Duty to Assist Claimants in Obtaining Private Records

PL 112-154, *Section 505*, amended **38 U.S.C. 5103A** to streamline VA's duty to assist responsibilities.

These statutory changes, among other things, permit VA to

- make no less than two requests to a custodian of a private record (which was consistent with VA procedures prior to enactment of *PL 112-154*), and
- encourage claimants under VA regulations to submit relevant private medical records if such submission does not burden the claimant.

Important: Although *PL 112-154* indicates that VA's duty to assist responsibilities no longer apply when VA can award the *maximum benefit* based on the evidence of record, VA will refrain from implementing procedures in the manual on this issue until a substantive rule-making is implemented through VA regulation in **38 CFR 3.159**.

Reference: For more information on VA's duty to assist claimants in obtaining private records, see

- **M21-1, Part III, Subpart i, 2.C.2**, and
- **38 CFR 3.159(c)(1)**.

3. PL 115-55, Veterans Appeals Improvement and Modernization Act of 2017, and its Impact on 38 U.S.C. 5103 and 5103A

Introduction

This topic contains information about *PL 115-55* and its impact on 38 U.S.C. 5103 and 38 U.S.C. 5103A, including

- **impact of *PL 115-55***, and
- *PL 115-55* and
- **duty to notify**
- **applicability of duty to assist**
- **duty to assist errors**, and
- **duty to provide decision notice**.

Change Date February 19, 2019

I.i.1.A.3.a. Impact of PL 115-55

On February 19, 2019, changes went into effect based on *PL 115-55, Veterans Appeals Improvement and Modernization Act of 2017*.

The PL and associated regulatory changes impacted both VA's duty to assist and duty to notify requirements.

I.i.1.A.3.b. PL 115-55 and Duty to Notify

PL 115-55 revised Section 5103 to state that the notice requirement for a substantially complete claim applies to initial and supplemental claims; however, VA is not required to provide that notice with respect to a supplemental claim filed within one year of an agency of original jurisdiction or Board decision on an issue.

I.i.1.A.3.c. PL 115-55 and Applicability of Duty to Assist

VA's duty to assist in the gathering of evidence begins upon receipt of a substantially complete application for an initial or supplemental claim and ends once VA issues a decision on the claim. The definition of a substantially complete application in **38 CFR 3.159** has been amended to add the requirement that a supplemental claim application include *or* identify potentially new evidence.

Important: The duty to assist does not apply to higher-level reviews (HLRs).

Reference: For more information on processing HLRs, see **M21-5, Chapter 5**.

I.i.1.A.3.d. PL 115-55 and Duty to Assist Errors

VA's duty to assist is reinstated when a substantially complete initial claim or supplemental claim is filed or when a claim is returned to correct a "duty to assist" error in a prior decision.

Reference: For more information on duty to assist errors, see **M21-5, Chapter 5,5**.

I.i.1.A.3.e. PL 115-55 and Duty to Provide Decision Notice

PL 115-55 required a change to **38 CFR 3.103(f)**. Effective February 19, 2019, **38 CFR 3.103(f)** requires VA's written notification of decisions to include all of the following elements:

- identification of the issues adjudicated
- a summary of the evidence considered
- a summary of the applicable laws and regulations
- identification of findings favorable to the claimant
- in the case of a denial, identification of elements not satisfied leading to the denial
- an explanation of how to obtain or access evidence used in making the decision
- if applicable, identification of the criteria that must be satisfied to grant service connection (SC) or the next higher level of compensation, and
- a summary of the applicable review options under **38 CFR 3.2500** available for the claimant to seek further review of the decision.

Note: These elements can be satisfied through a combination of the decision notice and its enclosures.

References: For more information on

- required notice elements in
- rating decisions, see **M21-1, Part V, Subpart iv, 1.A**
- notification letters, see **M21-1, Part VI, Subpart i, 1.B**, and
- administrative decisions, see **M21-1, Part X, Subpart v, 1.C**, and
- favorable findings, see **M21-1, Part V, Subpart iv, 1.A.5**.

4. Definitions Related to Duty to Notify and Duty to Assist

Introduction

This topic contains information about definitions related to duty to notify and duty to assist, including

- **definition of relevant records**
- **refraining from or discontinuing assistance**
- **claims that are inherently incredible or lack merit**, and
- definition of

- competent medical evidence
- competent lay evidence
- substantially complete application
- event
- information
- an initial claim
- a supplemental claim, and
- reopened claim.

Change Date February 19, 2019

I.i.1.A.4.a. Definition: Relevant Records

For the purpose of VA statutory duty to notify/assist, ***relevant records*** must

- relate to the disability or injury, or pension or Dependency and Indemnity Compensation (DIC) claim for which the claimant is seeking benefits, and
- have a reasonable possibility of helping to substantiate the claim.

VA is not required to assist a claimant in obtaining identified records if no reasonable possibility exists that such assistance would aid in substantiating the claim.

Reference: For more information about relevant records, see

- M21-1, Part III, Subpart i, 2.E, and
- *Golz v. Shinseki*, 590 F.3d 1317, 1320-21 (Fed. Cir. 2010).

I.i.1.A.4.b. Refraining From or Discontinuing Assistance

VA will refrain from or discontinue providing assistance in obtaining evidence for a claim if the substantially complete application for benefits indicates that there is no reasonable possibility that any assistance VA would provide to the claimant would substantiate the claim.

Circumstances in which VA will refrain from or discontinue providing assistance in obtaining evidence include, but are not limited to

- the claimant's ineligibility for the benefit sought because of lack of qualifying service, lack of Veteran status, or other lack of legal eligibility
- claims that are inherently incredible or clearly lack merit, and
- an application requesting a benefit to which the claimant is not entitled as a matter of law.

References: For more information on

- circumstances where VA will refrain from or discontinue providing assistance, see 38 CFR 3.159(d)
- determining Veteran status and eligibility for benefits, see M21-1, Part III, i.1, and
- inherently incredible claims, see M21-1, Part I, Subpart i,1.A.4.c.

I.i.1.A.4.c. Claims That Are Inherently Incredible or Lack Merit

VA will not provide assistance in obtaining evidence if a claim is inherently incredible or clearly lacks merit, even when the application itself is substantially complete.

The development or rating activity has the authority to determine whether a claim is incredible or without merit. For compensation claims, this may involve an allegation that a particular disability is secondary to one for which SC has already been established.

Important: VA employees have broad authority to determine whether or not a claim is inherently incredible or clearly lacks merit. However, before deciding such a claim, VA may request that the claimant submit evidence to render the claim plausible or credible.

Examples:

- A claimant alleges her service-connected tinnitus caused her hammertoes, but she furnishes no medical evidence to support this allegation.
- A Veteran claims he developed posttraumatic stress disorder as a result of combat service in the Republic of Vietnam, but military records clearly show he had no foreign or combat service.

References: For more information on

- claims that are inherently incredible or lack merit, see 38 CFR 3.159(d), and
- notification requirements for claims that are inherently incredible or lack merit, see M21-1, Part II, Subpart iii, 1.C.2.f.

l.i.1.A.4.d. Definition: Competent Medical Evidence

Competent medical evidence means evidence provided by a person who is qualified through education, training, or experience to offer medical diagnoses, statements, or opinions. Competent medical evidence may also mean statements conveying sound medical principles found in medical treatises. It would also include statements contained in authoritative writings such as medical and scientific articles and research reports or analyses.

Reference: The definition of competent medical evidence for the purpose of this chapter is set forth in 38 CFR 3.159(a)(1).

l.i.1.A.4.e. Definition: Competent Lay Evidence

Competent lay evidence means any evidence not requiring that the proponent have specialized education, training, or experience. Lay evidence is competent if it is provided by a person who has knowledge of facts or circumstances and conveys matters that can be observed and described by a lay person.

Note: When evaluating lay evidence,

- accept it at face value unless there is reason to question it, and
- when conflicting evidence exists, weigh all the evidence as appropriate.

Reference: The definition of competent lay evidence for the purpose of this chapter is set forth in 38 CFR 3.159(a)(2).

l.i.1.A.4.f. Definition: Substantially Complete Application

Substantially complete application means an application containing

- the claimant's name
- the claimant's relationship to the Veteran, if applicable
- sufficient service information for VA to verify the claimed service, if applicable
- the benefit sought and any medical condition(s) on which it is based
- the claimant's signature
- a statement of income in claims for Veterans Pension or Survivors Pension and Parents' DIC

- identification or inclusion of potentially new evidence in supplemental claims, and
- for HLRs, identification of the date of the decision for which review is sought.

References: For more information on

- the criteria for substantially complete applications, see
- 38 CFR 3.159(a)(3), and
- M21-1, Part II, Subpart iii, 1.C.1, and
- signature requirements, see M21-1, Part II, Subpart i, 2.B.2.

I.i.1.A.4.g. Definition: Event

Event means one or more incidents associated with places, types, and circumstances of service giving rise to disability.

Reference: The definition of event for the purpose of this chapter is set forth in 38 CFR 3.159(a)(4).

I.i.1.A.4.h. Definition: Information

Information means non-evidentiary facts, such as the claimant's Social Security number or address; the name and military unit of a person who served with the Veteran; or the name and address of a medical care provider who may have evidence pertinent to the claim.

Reference: The definition of information for the purpose of this chapter is set forth in 38 CFR 3.159(a)(5).

I.i.1.A.4.i. Definition: Initial Claim

An ***initial claim*** is a substantially complete claim for a benefit, other than a supplemental claim, on an application form prescribed by the Secretary, including:

- the first filing by a claimant (original claim), and
- a subsequent claim filed by a claimant for
- an increase in a disability evaluation
- a new benefit, or
- a new disability.

References: For more information on

- substantially complete claims, see
- 38 CFR 3.159(a)(3), and
- M21-1 Part I, Subpart i, 1.A.4.f
- initial claims, see 38 CFR 3.1(p)(1), and
- claims for increase, see M21-1, Part II, Subpart iii, 2.C.

I.i.1.A.4.j. Definition: Supplemental Claim

A ***supplemental claim*** is a substantially complete claim for a VA benefit on an application form prescribed by the Secretary where an initial or supplemental claim for the same or similar benefit on the same or similar basis was previously decided.

Note: In order to be considered substantially complete, a claimant must submit or identify potentially new evidence with a supplemental claim.

References: For more information on

- substantially complete claims, see
- 38 CFR 3.159(a)(3), and
- M21-1 Part I, Subpart i, 1.A.4.f, and
- supplemental claims, see
- 38 CFR 3.2501, and
- M21-1, Part II, Subpart iii, 2.B.

I.i.1.A.4.k. Definition: Reopened Claim

The term ***reopened claim*** pertains to requests filed prior to February 19, 2019, for a benefit after the disallowance of an earlier claim for that benefit became final. This includes a claim in which SC for the same disability is reclaimed under a different theory of entitlement.

Example: A Veteran whose claim for direct SC for hypertension was denied in 2012 submits a February 1, 2019, claim for SC for hypertension on a secondary basis. Consider the claim for secondary SC to be a reopened claim because the same disability, hypertension, was reclaimed under a different theory of entitlement.

Notes:

- *Final* means the claim is no longer active, and the appeal period has expired.
- Reopened claims do *not* include claims for increased evaluations or ancillary benefits.

References: For more information on

- revisions based on a supplemental claim, see **M21-1, Part X, Subpart ii, 2.A**, and
- claims reopened under a different theory of entitlement, see ***Robinson v. Shinseki***, 557 F.3d 1355 (Fed. Cir. 2009).

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M21-1, Part I, Subpart i, Chapter 1, Section B - General Information on Due Process

Article ID: 554400000181468
Updated Jul 26, 2024
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Overview

In This Section

This section contains the following topics:

Topic	Topic Name
1	**Due Process and Department of Veterans Affairs (VA) Benefits**
2	**Types of Notification**

1. Due Process and VA Benefits

Introduction This topic contains information about how due process, as stated in the *U.S. Constitution,* affects VA benefits, including

- **due process and the *U.S. Constitution***
- **due process and VA**
- **entitlement to notification**, and
- **definition of third party information**.

Change Date January 29, 2018

I.i.1.B.1.a. Due Process and the U.S. Constitution

The Fifth Amendment to the *U.S. Constitution* ensures that citizens have the right of due process.

"*No person shall be deprived of life, liberty or property without due process of law*."

I.i.1.B.1.b. Due Process and VA

Due process in the administration of Department of Veterans Affairs (VA) benefits informs the beneficiary of a proposed adverse action that could reduce or terminate benefits, and provides the beneficiary with the opportunity to

- provide additional evidence to contest the action, and/or
- hold a hearing before VA decision-makers.

In most instances, due process applies when VA proposes to reduce or terminate a benefit. In a few situations, such as a character of discharge determination, due process applies before VA determines eligibility for benefits.

Exceptions: Contemporaneous notice is allowed in lieu of a notice of proposed adverse action (due process) in specific situations as listed in **M21-1, Part X, Subpart ii, 3.C.1**, and **38 CFR 3.103(b)(3)**

References: For more information on

- definitions of notice of proposed adverse action and contemporaneous notice, see **M21-1, Part I, Subpart i, 1.B.2.a**, and
- due process, see **38 CFR 3.103**.

I.i.1.B.1.c. Entitlement to Notification

The following parties are entitled to notification of any decision made by VA that affects the payment of benefits or the granting of relief

- beneficiaries
- fiduciaries of minor or incompetent beneficiaries, and
- beneficiaries' designated representatives.

I.i.1.B.1.d. Definition: Third Party Information

Third party information is any information that is not received from the beneficiary or from the beneficiary's fiduciary. Written correspondence is considered third party when received without the beneficiary's signature or the signature of the beneficiary's fiduciary.

The table below lists the types of third party informants and provides examples of the types of information they provide.

Third Party Informant	Examples
VA medical facilities	Admission notices and reports that may result in hospital rate adjustments.

	Exception: A formal written notice of death. ***References***: For more information on • hospitalization adjustments, see 38 CFR 3.551, and • adjustment of allowance for aid and attendance, see 38 CFR 3.552.
• Field examiners • Legal instrument examiner (LIE), and • Beneficiary's survivors	Notices and reports. ***Exceptions***: • Notices and reports may be considered first party sources when accompanied by • documents provided by the beneficiary, such as copies of award letters or marital or dependency status certificates, or • a signed, written statement from the beneficiary. • A notice of proposed adverse action is not required when an LIE requests that a beneficiary's award be suspended because of the fiduciary's failure to furnish accounting activities. ***Important***: Notices from field examiners may be considered first party notices when reported on a fully complete *VA Form 27-0820, Report of General Information*. ***Reference***: For more information on completing a *VA Form 27-0820*, see M21-1, Part III, Subpart i, 2.D.1.f.
• Other possible sources	• VA computer matches • letters from friends and relatives • reports from employers • reports from other government and private agencies • Social Security's third party query system, or • Share computer application.

Note: The third party information submitted on any forms, documents, or signed statements must, in and of itself, justify the adverse action.
Reference: For more information on handling mail that could result in a reduction or termination of benefits, see M21-1, Part II, Subpart i, 2.D.3.

2. Types of Notification

Change Date March 17, 2016

I.i.1.B.2.a. Types of Notification Concerning Change in Benefits

Two types of notification are used to inform a beneficiary of a change in benefits. They are
- ***notice of proposed adverse action***, which informs a beneficiary of a proposed reduction or termination of benefits, and
- ***contemporaneous notice***, which informs a beneficiary of a change in benefits that was implemented at the time the notice was sent.

Use the table below to determine the type of notice that should be used when information is received that would result in a reduction or termination of a beneficiary's award.

If the source of information is ...	Then use a ...
the beneficiary	contemporaneous notice to tell the beneficiary that the information submitted has

	affected entitlement and to what extent. ***Exception***: All income verification matches (IVM) which identify a reduction or termination of benefits require a notice of proposed adverse action. ***References***: For more information about • contemporaneous notices, see **M21-1, Part X, Subpart ii, 3.C**, and • IVM, see **M21-1, Part XIV, 4.D**.
a designated power of attorney (POA) submitting information originating from a beneficiary	contemporaneous notice to tell the beneficiary that the information submitted has affected entitlement and to what extent.
a designated POA submitting information *not* originating from a beneficiary	notice of proposed adverse action to tell the beneficiary of a proposed change, about the information received, and the effect it may have on their benefit. ***Reference***: For more information on general duties of a POA, see **M21-1, Part I, Subpart i, 2.A.4.a**.
a third party ***Reference***: For more information on third party information, see **M21-1, Part I, Subpart i, 1.B.1.d**.	notice of proposed adverse action to tell the beneficiary of a proposed change, about the information received, and the effect it may have on their benefit. ***References***: For more information on • notices of proposed adverse action, see **M21-1, Part X, Subpart ii, 3.A**, and • sending a notice of proposed adverse action to a hospitalized Veteran, see **M21-1, Part X, Subpart ii, 3.A.3.c**.

Note: When it is unclear whether information submitted by the POA originated from the beneficiary, the beneficiary may be contacted via telephone to verify the origin of the information. If the claimant cannot be reached, process as information not originating from a beneficiary.
References: For more information on

- receiving information via telephone that would reduce or discontinue benefits, see
- **M21-1, Part X, Subpart ii, 3.C.2.a**, and
- **M21-1, Part III, Subpart i, 2.D.1**
- providing notice of proposed adverse action, see
- **38 CFR 3.103(b)(2)**, and
- **M21-1, Part X, Subpart ii, 3.A**
- providing contemporaneous notice, see
- **38 CFR 3.103(b)(3)**, and
- **M21-1, Part X, Subpart ii, 3.C**, and
- handling notification from a beneficiary that will result in removal of a dependent, see **M21-1, Part VII, Subpart i, 1.A.4.g**.

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M21-1, Part I, Subpart i, Chapter 2, Section A - General Information on Power of Attorney (POA)

Article ID: 554400000181475
Updated Mar 20, 2025
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Overview

In This Section This section contains the following topics:

Topic	Topic Name
1	Department of Veterans Affairs (VA) Representation
2	Appointing a Representative
3	Representation of Incompetent Claimants
4	Extent of Authority and Duties of Representatives
5	Requests for Exclusive Contact
6	Revoking and Terminating Representation
7	Representation of Survivors After the Claimant's Death

1. VA Representation

Introduction This topic contains information on the distinction between VA representation and POA under State law, including

- claimant's right to representation
- definition of VA representation, and
- POA under State law does not create VA representation.

Change Date February 19, 2019

I.i.2.A.1.a. Claimant's Right to Representation

The Department of Veterans Affairs' (VA's) policy is that all claimants have the right to representation before the department in claims affecting the payment of benefits or relief.

Claimants before VA are provided representation by Veterans service organizations (VSOs), attorneys, agents, and other accredited individuals to ensure that such claimants have responsible, qualified representation to assist in the preparation, presentation, and prosecution of claims for Veterans' benefits.

Claimants may appoint a single representative for all claims, or they may choose to appoint a different representative on a limited basis for a particular claim.

References: For more information on
- a claimant's right to representation before VA, see 38 CFR 3.103(a)
- the purpose of representation before VA, see 38 CFR 14.626, and
- unlimited versus limited representation, see M21-1, Part I, Subpart i, 2.A.2.d.

I.i.2.A.1.b. Definition: VA Representation

VA representation means broadly that an individual has completed legal formalities to authorize a VSO, attorney, agent, or individual to perform functions on their behalf in business before VA.

Note: For the purpose of this section, the term "power of attorney" (POA) refers to VA representation, unless otherwise specified.

Reference: For information on the distinction between VA representatives and individuals with POA authority under State law, see M21-1, Part I, Subpart i, 2.A.1.c.

I.i.2.A.1.c. POA Under State Law Does Not Create VA Representation

The execution by a claimant of a POA under State law has ***no*** effect for the purposes of prosecuting a VA claim. The individual with POA under State law is not authorized, based on the State appointment, to engage in VA representation.

To be recognized by VA, a claimant's representative must be duly appointed under VA policies and procedures.

Reference: For more information on appointing an accredited representative of a VSO, agent, non-licensed individual, or attorney representative, see M21-1, Part I, Subpart i, 2.A.2.

2. Appointing a Representative

Introduction

This topic contains information on appointing a representative, including
- requirements to represent claimants
- definition of declaration of representation
- declaration of representation requirements, and
- unlimited versus limited representation.

Change Date February 19, 2019

I.i.2.A.2.a. Requirements to Represent Claimants

The table below describes the requirements for POA representatives to represent claimants.

Type of Representation	Requirements
Accredited representative of a VSO, agent, or attorney	Must obtain recognition from VA's Office of General Counsel (OGC) in order to represent claimants. Refer any person or group wanting to represent claimants to OGC for accreditation. ***References***: For more information on • requirements for accredited representatives of VSOs, agents, and attorneys to obtain recognition, see 38 CFR 14.629, and • a list of accredited representatives of

	VSOs, agents, and attorneys maintained by OGC, see **OGC's accreditation search page**.
Non-licensed individual	May represent a claimant on a one-time, one claim basis per the provisions of **38 CFR 14.630**. The individual may only represent one VA claimant unless a request is submitted to the VA's OGC. ***Notes***: • For the purpose of this guidance a ***claim*** refers to one or more issue(s) submitted for adjudication as provided in **38 CFR 3.155**, and covered under one end product. • The representative retains representation until all issues within the scope of the claim have been finally adjudicated as provided in **38 CFR 3.160(d)**.

Note: If a person purporting to be a representative does not fit into one of the categories above, write to the individual (and provide a copy of the correspondence to the claimant) explaining that

- they do not appear to fit into one of the categories of permitted representatives per **38 CFR 14.629** and **38 CFR 14.630**, and
- VA will ***not*** recognize the representation unless they show VA that they *do* fit into one of the categories of permitted representatives.

I.i.2.A.2.b. Definition: Declaration of Representation

A ***declaration of representation*** is the form a claimant uses to designate a person or organization as their representative for VA purposes.

I.i.2.A.2.c. Declaration of Representation Requirements

The table below lists the declaration of representation required for different types of representatives.

A/An …	May represent a claimant if VA receives a …
accredited representative of a VSO	properly completed and executed ***VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative***, that shows the service organization as representative.
accredited agent	properly completed and executed ***VA Form 21-22a, Appointment of Individual as Claimant's Representative***.
non-licensed individual	declaration of representation that complies with the provisions outlined in **38 CFR 14.630** to include a properly completed and executed ***VA Form 21-22a***. ***Note***: The representation is for a one-time, one-claim basis only. ***Reference***: For more information on appointing an individual for one-time, one-claim representation, see **M21-1, Part I, Subpart i, 2.A.2.a**.
accredited attorney	properly completed and executed ***VA Form 21-22a***.

Note: If the claimant's attorney is not listed on **OGC's accreditation search page**, the regional office's (RO's) Agent and Attorney Fee Coordinator will advise the

- attorney that VA will not recognize them until accredited, and
- claimant that they may
- seek other representation, or
- proceed without representation until the attorney is

accredited.
References: For more information on
- what constitutes a complete ***VA Form 21-22*** or ***VA Form 21-22a***, see **M21-1, Part I, Subpart i, 2.C.1.e**, and
- how to acknowledge a POA representative, see **M21-1, Part I, Subpart i, 2.C.1.i and j**.

I.i.2.A.2.d. Unlimited Versus Limited Representation

Unlimited representation means that the representative represents the claimant for all VA claims.

Limited representation means that the representation is for a specific claim or claims. It is possible to have multiple representatives providing limited representation. Assume that representation is unlimited unless ***VA Form 21-22***, ***VA Form 21-22a***, or the declaration of representation shows otherwise.

A declaration of representation by a non-accredited individual per the provisions of **38 CFR 14.630** is limited to one claim by its very nature.
Reference: For more information on limited representation see,
- **M21-1, Part I, Subpart i, 2.C.1.b**, and
- **M21-1, Part I, Subpart i, 2.C.2.b**.

3. Representation of Incompetent Claimants

Introduction

This topic contains information on representation of incompetent claimants, including
- **fiduciary appointment for an incompetent Veteran**
- **representation for claimants in the process of being declared incompetent**, and
- **appointing a representative to establish competency**.

Change Date March 20, 2025

I.i.2.A.3.a. Fiduciary Appointment for an Incompetent Veteran

If the claimant is unable to handle their own VA benefit payments, VA appoints a fiduciary to handle the payment of VA funds.

I.i.2.A.3.b. Representation for Claimants in the Process of Being Declared Incompetent

Until a fiduciary is appointed for a claimant in the process of being declared incompetent, accept the appointment of a representative from any of the following people in the following order
- claimant
- claimant's guardian
- spouse
- parent
- other relative or friend (if interests are not adverse), or
- director of the hospital in which the claimant is maintained.

Once VA appoints a fiduciary, the fiduciary may appoint a new POA representative. The prior representative is ***not*** automatically revoked.

References: For more information on
- signature requirements when appointing a representative, see
- 38 CFR 14.631(a)(1), and
- M21-1, Part I, Subpart i, 2.C.1.e, and
- representation of beneficiaries in the fiduciary program, see 38 CFR 13.40.

I.i.2.A.3.c. Appointing a Representative to Establish Competency

An incompetent claimant may appoint a representative for the purpose of attempting to establish competency.

4. Extent of Authority and Duties of Representatives

Introduction

This topic contains information on the extent of a representative's authority, including
- general scope of a representative's authority
- representative's authority to submit claims and other claim-related documents
- authorization of associate attorneys and attorney support staff
- duties that authorized law students, legal interns, and paralegals can perform
- information technology (IT) access and other disclosures
- representative's access to Federal tax information (FTI), and
- questions or disputes about representatives.

Change Date November 13, 2024

I.i.2.A.4.a. General Scope of a Representative's Authority

A representative is appointed, in the wording of the *VA Form 21-22* and *VA Form 21-22a*, to "prepare, present, and prosecute" a claim. To discharge those duties, an appointed representative explicitly or implicitly has the authority to
- review the claimant's records, subject to limitations specified in the *VA Form 21-22* or *VA Form 21-22a*, and/or by law
- submit information, evidence, and argument on behalf of the claimant, to include eliciting witness testimony at a hearing
- authorize administrative changes on behalf of the claimant related to a claim such as changing a claimant's address in VA records, establishing a direct deposit account, or changing a direct deposit account, subject to existing VA procedures
- coordinate with VA on development matters such as the scheduling of a hearing or an examination
- prepare and submit forms and other procedural documents on behalf of the claimant, and
- withdraw a claim at any stage of adjudication.

Important: This list is illustrative and not exclusive, and a duly appointed representative also has the rights or authority to perform any other functions specified elsewhere in the M21-1.

References: For more information on

- a representative's authority to submit claims and other claim related documents, see **M21-1, Part I, Subpart i, 2.A.4.b**
- a representative's authority to review a claims folder, see **M21-1, Part I, Subpart i, 2.B.2**
- withdrawing a claim, see **M21-1, Part II, Subpart iii, 2.F.1**
- withdrawing a decision review request, see **M21-5, Chapter 4, Topic 4**
- withdrawing a legacy appeal, see
- **38 CFR 19.55**, and
- **M21-5, Chapter 7, Section A.3**
- updating contact information and direct deposit processing, see
- **M21-1, Part II, Subpart iii, 3.B.1**, and
- **M27-1, Part I, 3.10**
- hearings at the RO, see **M21-1, Part X, Subpart v, 1.D**, and
- Board of Veterans' Appeals (BVA) hearings, see **M21-5, Chapter 7, Section H**.

I.i.2.A.4.b. Representative's Authority to Submit Claims and Other Claim-Related Documents

A properly appointed representative has the authority to prepare and submit certain types of claims and other claim-related documents on behalf of the represented individual without that individual's signature. Those include, but are not limited to, a(n)

- request for an application for benefits
- intent to file (ITF) a claim
- supplemental claim
- request for revision of a decision based on clear and unmistakable error
- request for higher-level review
- legacy notice of disagreement (NOD), or
- legacy substantive appeal.

A POA may prepare and submit, but ***may not*** sign, documents that require the claimant's signature. Those include:

- ***original*** applications for Veterans benefits
- forms ***requiring claimant certification***, such as eligibility verification reports.
- ***VA Form 21-4140, Employment Questionnaire***
- ***VA Form 21-8940, Veteran's Application for Increased Compensation Based on Unemployability***
- ***VA Form 21-4142, Authorization to Disclose Information to the Department of Veterans Affairs (VA)***
- ***VA Form 21-4192, Request for Employment Information in Connection With Claim for Disability Benefits***
- ***VA Form 21-0538, Mandatory Verification of Dependents***
- ***VA Form 21-8951-2, Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowances***, and
- ***VA Form 21-651, Election of Compensation in Lieu of Retired Pay or Waiver of Retired Pay to Secure Compensation from Department of Veterans Affairs***.

Exception: Prior to March 24, 2015, a POA representative could sign and submit an informal claim because under the prior regulation, **38 CFR 3.155**, an informal claim could be accepted without the claimant's signature. Informal claims, which were often filed on ***VA Form 21-4138, Statement in Support of Claim***, included, but were not limited to, claims for increase or to reopen.

References: For more information on

- signatures on ITF, see
- **M21-1, Part II, Subpart iii, 2.A.1.b**, and
- **38 CFR 3.155**

- handling of additional correspondence signed by a POA in conjunction with a prescribed form signed by the claimant, see M21-1, Part II, Subpart iii, 1.A.2.c
- a representative's authority to file a legacy NOD see
- M21-5, Chapter 7, Section B
- 38 CFR 19.21, and
- 38 CFR 19.50, and
- a representative's authority to file a legacy substantive appeal, see
- M21-5, Chapter 7, Section E
- 38 CFR 19.22, and
- 38 CFR 19.50.

I.i.2.A.4.c. Authorization of Associate Attorneys and Attorney Support Staff

A claimant must consent in writing to allow associate attorneys, legal interns, law students, and paralegals employed by the same legal services office as their appointed representative to participate in the representation.
The written consent must specifically state that participation in all aspects of the claim by a legal intern, law student, or paralegal furnishing written authorization from the attorney of record is authorized. The consent must include the

- name of the Veteran or claimant (if other than the Veteran)
- applicable VA file number
- name of the attorney
- consent of the Veteran or claimant for
- use of the services of legal interns, law students, or paralegals, and
- such individuals to have access to applicable VA records, and
- names of the legal interns, law students, or paralegals who will be assisting in the case.

The signed consent must be submitted to VA and maintained in the claimant's file.
Reference: For more information on the participation of personnel affiliated with an attorney representative, see 38 CFR 14.629(c).

I.i.2.A.4.d. Duties That Authorized Law Students, Legal Interns, and Paralegals Can Perform

Once written consent is provided by the claimant, as discussed in M21-1, Part I, Subpart i, 2.A.4.c, legal interns, law students, and/or paralegals may participate in any duties involved in the preparation, presentation, and/or prosecution of a VA claim as long as they are under the direct supervision of a designated attorney of record.
The supervising attorney must be present at any hearing in which a legal intern, law student, or paralegal participates.
Reference: For more information on the role of assistants to attorney representatives, see 38 CFR 14.629(c)(3).

I.i.2.A.4.e. IT Access and Other Disclosures

The July 2023 or later version of *VA Form 21-22a* contains additional fields to authorize disclosure to affiliated personnel. Completion of Block 19A with a name of the firm/organization is an affirmation by the claimant acknowledging they consent to giving support staff, associate attorneys, and claims agents affiliated with their representative access to their information within VA's information technology (IT) systems.
Completion of Block 19B authorizes VA to disclose information outside VA IT systems, such as e-mails and/or phone calls, to the individuals listed by the claimant.
Note: The *VA Form 21-22a* is incomplete if

- box 19A or 19B is checked but no firm, organization, and/or individual is listed, or
- the name of the firm, organization, and/or individual is listed, but the 19A or 19B check box is blank.

Claims processors will need to follow incomplete form procedures as directed in **M21-1, Part I, Subpart i, 2.C.1.h**.

I.i.2.A.4.f. Representative's Access to FTI

Special procedures govern a representative's access to Federal tax information (FTI) in the possession of VA, received from Internal Revenue Service and Social Security Administration. Refer to these special procedures governing the FTI match for information about a representative's right of access to these materials.

Reference: For more information on disclosure of FTI to a POA, see **M21-1, Part XIV, 4.B.3.c**.

I.i.2.A.4.g. Questions or Disputes About Representatives

Refer any legal questions or disputes about the extent of a person's authority to serve as a representative to the District Counsel.

Reference: For more information on referring questions and disputes to the District Counsel, see

- **38 CFR 14.629**, and
- **38 CFR 14.631(d)**.

5. Requests for Exclusive Contact

Introduction

This topic contains information on requests for exclusive contact, including

- **definition of exclusive contact**, and
- **handling requests for exclusive contact**.

Change Date June 19, 2015

I.i.2.A.5.a. Definition: Exclusive Contact

The term ***exclusive contact*** refers to sending communications with the claimant directly to a representative and generally ***not*** communicating directly with the claimant.
Important: VA does ***not*** honor requests for exclusive contact to restrict the communication between VA and the claimant.

I.i.2.A.5.b. Handling Requests for Exclusive Contact

In any case where an attorney requests exclusive contact in writing, send the attorney a letter incorporating the following notice:

We are unable to comply with your request that we correspond exclusively with you and not with the VA claimant you represent. While VA has attempted in the past to accommodate exclusive contact requests, the agency has found that our attempts to comply with these requests adversely impacted the timely completion of essential ministerial functions, such as responding to phone inquiries from claimants and the issuance of standard benefit information letters. Rather, as required by regulatory and statutory provisions, we have determined that corresponding directly with the VA claimant with a copy of each and every communication to the representative is the best means for keeping all interested persons up-to-date about VA's actions regarding a particular claimant. This course of action is consistent with the non-adversarial nature of the VA benefits adjudication system and with VA statutes and regulations. To this end, section 5104(a) of title 38, United States Code, and its implementing regulation, 38 C.F.R. § 3.103, provide that VA must send notice of any decision to the claimant with a copy to the claimant's representative. VA statutes and regulations do

not require a process whereby VA maintains "exclusive contact" with a representative in lieu of the VA claimant. At the same time, despite any request for exclusive contact with a representative, VA has always sent automatically generated correspondence to VA claimants and has responded to claimants who seek information directly from VA. As a result of our careful review of relevant VA statutes, regulations and procedures, we have determined that prohibiting claimants from receiving information, any information, about their claims, or limiting it in some fashion, is not a process that is beneficial to Veterans, their dependents or survivors. We can assure you, however, that as long as you represent a VA claimant, you will be sent copies of any and all notices, decisions or other written communications at the same time as the claimant is sent such notice, decision or communication.

Note: In the case of a verbal request for exclusive contact or inquiry about exclusive contact, use the above notice to structure a response. Remember to document any contacts on a ***VA Form 27-0820, Report of General Information***.

6. Revoking and Terminating Representation

Introduction This topic contains information on revoking and terminating representation, including

- **how representation ends**
- **express revocation of representation by the represented individual**
- **implicit revocation of representation by appointment of a new representative**
- **withdrawal of representatives from representation**
- **representation terminated by death**, and
- **expiration of limited representation**.

Change Date May 20, 2020

I.i.2.A.6.a. How Representation Ends

Once duly established by appointment, a representation relationship can end in a variety of ways.

- The represented party may
- choose to expressly revoke a representative's appointment, or
- implicitly revoke a representative's appointment in whole or in part by appointing another representative.
- The representative may choose to withdraw from representation.
- Representation can end without specific action by the representative or represented individual such where there is
- death of the represented individual or
- completion of a limited representation.

References: For more information on

- various means by which representative relationship may end, see **M21-1, Part I, Subpart i, 2.A.6.b-f**
- VA representation, see **M21-1, Part I, Subpart i, 2.A.1**
- appointing a representative, see **M21-1, Part I, Subpart i, 2.A.2**
- unlimited versus limited representation, see **M21-1, Part I, Subpart i, 2.A.2.d**, and
- system updates related to representation, see **M21-1,**

Part I, Subpart i, 2.C.

I.i.2.A.6.b. Express Revocation of Representation by the Represented Individual

A represented individual (generally, a claimant or beneficiary, guardian, or fiduciary) may end the relationship with their appointed representative at any time by expressly (explicitly, clearly) telling VA. This is known as ***express revocation*** of the representative's appointment.

Examples:

- "I don't want American Legion to be my representative anymore."
- "Please remove Disabled American Veterans as my representative immediately."

Important: The act of a represented individual submitting paperwork to appoint a new representative is not express revocation. However, this may be sufficient to implicitly revoke an appointment.

When a claimant expressly revokes representation, take the actions specified in M21-1, Part I, Subpart i, 2.C.1.f.

References: For more information on

- processing requests to revoke a representative, to include notifying a revoked representative, see M21-1, Part I, Subpart i, 2.C.1.f
- required system updates for changes in POA appointments, see M21-1, Part I, Subpart i, 2.C.2
- the guidelines for changing representation after certification and transfer of an appeal, see M21-5, Chapter 7, Section F, 5.e, and
- implicit revocation of representation by appointment of a new representative, see M21-1, Part I, Subpart i, 2.A.6.c.

I.i.2.A.6.c. Implicit Revocation of Representation by Appointment of a New Representative

An individual's existing representation is considered ended, and the representative's appointment implicitly revoked, without need for a clear or explicit statement when

- VA receives a completed appointment of a new representative, signed by *both* the individual *and* the representative, and
- the scope of the new representation is inconsistent with the continued representation by the current representative.

Explanation: The new, fully-signed appointment document is sufficient to appoint the new representative, and – because both representatives cannot provide the same representation – it can be inferred that the represented individual wants to revoke their existing representative's appointment to the extent inconsistent with the new appointment, even when they don't explicitly or clearly say so.

When a new appointment is *unlimited*, that is *always* inconsistent with continuation of unlimited or limited representation under the existing appointment. The existing appointment is implicitly revoked as long as the new appointment is completed and signed by the parties.

However, a new *limited* appointment *may* or *may not* be inconsistent with continuation of existing representation and will *not always* cause implicit revocation of the current appointment. As noted in M21-1, Part I, Subpart i, 2.A.2.d, it is possible to have multiple representatives providing limited representation.

- When representation under the existing appointment is *unlimited*, a new *limited* appointment is inconsistent only with respect to the claims or issues named in that appointment. The existing appointment is not fully revoked; it remains in effect for the issues not named in the new appointment.
- When representation under the existing representation is *limited*, a new *limited* appointment is inconsistent with continued representation by the existing representative on overlapping

claims or issues but not on continuing claims or issues not included in the new appointment.
Where implicit revocation occurs, and representation is updated, take the actions specified in **M21-1, Part I, Subpart i, 2.C.1.f**.
If a new appointment sufficient to implicitly revoke an existing appointment raises questions about the individual's intent, request clarification from the claimant and add any clarification received to the claims folder. For example, if there is limited, fee-based representation by an attorney under a ***VA Form 21-22a*** for review of an initial decision, and an unlimited ***VA Form 21-22*** is received in favor of a VSO, seek clarification from the claimant before updating the representation and revoking the attorney representation. The new filing raises a question of whether the claimant actually intends to revoke attorney/agent representation and to have the VSO handle the claims on review instead.

Important: If a newly received appointment in favor of a new representative is *not* signed by *both* the representative and the individual, the document is not sufficient to create a new representation relationship and does not constitute an implicit revocation of the existing appointment. Although the new, incompletely-signed appointment suggests that the individual's intent is to replace his/her current representative, that alone is not enough to constitute an express revocation – even if the appointment on its face was unlimited. In such instances, follow the guidance in **M21-1, Part I, Subpart i, 2.C.1.h**, on handling an incomplete appointment document.

References: For more information on
- the requirement for a new appointment to be signed by both parties for implicit revocation to occur, see **38 CFR 14.631(f)(1)**
- the requirement that an appointment of a representative be complete, see **M21-1, Part I, Subpart i, 2.A.2.c**
- processing revocations and new appointments, see **M21-1, Part I, Subpart i, 2.C**
- limited and unlimited representation, see **M21-1, Part I, Subpart i, 2.A.2.d**, and
- express revocation, see **M21-1, Part I, Subpart i, 2.A.6.b**.

I.i.2.A.6.d. Withdrawal of Representatives From Representation

A representative may withdraw from representation by notifying the claimant and VA in writing, ***if*** doing so would ***not*** adversely impact the claimant's interests.

A representative may also withdraw for good cause, including in the case where the representative reasonably believes representation is furthering a claimant's persistent fraudulent or criminal course of action, or if the claimant fails to uphold an obligation to the representative regarding the representation.

Note: In a legacy appeal to which the law prior to February 19, 2019, applies, a representative may withdraw prior to certification as long as they have complied with **38 CFR 14.631**.

When a representative withdraws from representation, VA must provide notice and update VA systems.

References: For more information on
- processing requests to revoke or change a representative, to include notifying a revoked representative, see **M21-1, Part I, Subpart i, 2.C.1.f**
- required system updates for changes in POA appointments, see **M21-1, Part I, Subpart i, 2.C.2**
- withdrawing representation, see **38 CFR 14.631(c)**, and
- withdrawing representation before BVA, see **38 CFR 20.6**.

I.i.2.A.6.e. Representation Terminated by Death

Representation ends when a represented person dies.

References: For more information on

- revoking a POA due to death of the represented individual, see **M21-1, Part I, Subpart i, 2.C.1.f**
- Veteran first notice of death processing, see **M21-1, Part XI, Subpart i, 1.A**, and
- representation of survivors after the claimant's death, see **M21-1, Part I, Subpart i, 2.A.7**.

I.i.2.A.6.f. Expiration of Limited Representation

Limited representation (including one-time, one-claim representation under **38 CFR 14.630**) may end on its own terms without specific action from the representative or represented individual when a triggering condition occurs – typically when the claim for which the representation was provided is finally adjudicated.

This is completion or expiration of the representation agreed upon. It is not the same as affirmative revocation or termination of representation or a withdrawal from representation.

7. Representation of Survivors After the Claimant's Death

Change Date February 19, 2019

I.i.2.A.7.a. Automatically Revoked POA Does Not Allow Survivor Representation

Representation based on a POA signed by the claimant during their lifetime ends with the death of the claimant and does not extend to any survivors. In order for the same representative to represent a survivor, the survivor must execute a separate POA.

References: For more information on

- the policy expressed in this block, see ***Smith (Irma) v. Brown***, 10 Vet.App. 330 (1997), and
- representation terminated by death, see **M21-1, Part I, Subpart i, 2.A.6.e**.

From <https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000181475/M21-1-Part-I-Subpart-i-Chapter-2-Section-A-General-Information-on-Power-of-Attorney-POA>

M21-1, Part I, Subpart i, Chapter 2, Section B - A Representative's Right to Notification and Review of Records

Article ID: 554400000181476
Updated Jan 08, 2024
Topics
M21-1 Adjudication Procedures Manual >
Part 01 (Part I). Claimants' Rights and Claims Processing Centers and Programs >
Subpart i. Claimants' Rights and Responsibilities >
Chapter 02. Power of Attorney

<-- Previous Section Next Section -->

Overview

In This Section This section contains the following topics:

Topic	Topic Name
1	Department of Veterans Affairs' (VA's) Duty to Notify Representatives
2	Representatives' Authority to Review a Claims Folder

1. VA's Duty to Notify Representatives

Introducti This topic contains information on VA's duty to notify representatives,

on including

- notices that must be provided to the representative
- VA's policy of partnership with appointed representatives
- providing notice of correspondence to
- Veterans service organizations (VSOs), and
- private attorneys or claims agents
- requirement to list the private attorney or claims agent address in the carbon copy (cc) line
- adding an attorney or agent name and address to letters created outside the Veterans Benefits Management System (VBMS), and
- adding a representative's name and address to letters in
- VBMS Core
- VBMS Awards/ Automated Decision Letter (ADL), and
- the Statement of the Case (SOC)/Supplemental Statement of the Case (SSOC) program.

Change Date August 4, 2023

I.i.2.B.1.a. Notices That Must Be Provided to the Representative

Representatives of claimants or beneficiaries before the Department of Veterans Affairs (VA) are entitled to notice of any VA decisions related to matters within the scope of the representation (decision notices, and legacy statements of the case (SOCs) or legacy supplemental statements of the case (SSOCs)).

Representatives are also entitled to other correspondence sent to claimants. These include (but are not limited to)

- notices of certification and transfer of legacy appeals to the Board of Veterans' Appeals
- intent to file notices
- incomplete application notices, and
- requests for information and evidence needed to substantiate a claim (e.g. development letters).

Important:

- Disclosure of Federal tax information (FTI) to a representative requires special considerations as noted in M21-1, Part XIV, 4.B.3.c.
- If the Veteran has multiple representatives, it is the claim processor's responsibility to ensure that the correct representative is included on the appropriate correspondence.
- The right to receive copies of decision notices does not include a right to review copies of rating decisions prior to promulgation and issuance of a decision notice.

References: For more information on

- the right of representatives to receive notices of decisions, see 38 CFR 3.103
- VA representation (including scope of representation), see M21-1, Part I, Subpart i, 2.A
- limitations imposed by a claimant's election to not disclose records protected by 38 U.S.C. 7332, see M21-1, Part I, Subpart i, 2.B.2
- intent to file notices, see 38 CFR 3.155(b)
- notice of decisions, see 38 U.S.C. 5104
- incomplete applications, see 38 U.S.C. 5102
- information and evidence needed to substantiate a claim, see 38 U.S.C. 5103(a), and
- the policy that representatives have no authority to review rating decision prior to issuance of a decision notice by VA, see M21-1, Part I, Subpart i, 2.B.2.k.

I.i.2.B.1.b. VA's Policy of Partnership With Representatives

VA policy is to work with representatives of claimants and beneficiaries in an equal partnership to effectively serve Veterans and their dependents and survivors. The policy requires VA employees to assist representatives.

I.i.2.B.1.c. Providing Notice of Correspondence to VSOs

With limited exceptions, outbound correspondence addressed to claimants and representatives is added to the Veterans Benefits Management System (VBMS) Package Manager and then transmitted for centralized printing and distributions through the Centralized Benefits Communications Management (CBCM) program.

Veterans service organization (VSO) copies of correspondence from centralized printing are sent to the regional office (RO) of jurisdiction for distribution. Per **M21-1, Part II, Subpart i, 2.C.2.c**, RO mailrooms should not forward this correspondence to the scanning vendors since copies of the correspondence already exist in the electronic claims folders (eFolders). Provide correspondence to the claimant's VSO through the VBMS Package Manager, regardless of organization, access to VBMS, and/or electronic notification status.

Important:

- When distributing a decision notice based on a rating decision to a VSO, ensure that a copy of the rating decision *Narrative* and *Codesheet* is also provided.
- ***This block does not apply to notice to private attorneys and claims agents***. For guidance on providing notice to attorneys and claims agents, see **M21-1, Part I, Subpart i, 2.B.1.d**.
- The *Electronic Notification* distribution status in VBMS Package Manager indicates that the VSO has opted into electronic notification in VBMS. Accordingly, they are provided notification in real-time and paper copies are no longer warranted.

References: For more information on

- specific POAs who have opted into electronic notification, see the most recent version of ***Current POA Opt In To Electronic Notification***
- document titles and their corresponding categories that generate a notification for POA review, see the most recent version of ***POA Electronic Notification Fact Sheet***
- documenting legacy appeal decisions and providing copies to representatives, see **M21-5, Chapter 7, Section D**, and
- mailing packages through the CBCM program, see
- **M21-1, Part II, Subpart i, 2.C.4.c**
- the *VBMS Core User Guide*, and
- the Talent Management System course titled *Centralized Benefits Communications Management* (VA 4562424).

I.i.2.B.1.d. Providing Notice of Correspondence to Private Attorneys or Claims Agents

Accredited private attorneys or claims agents must receive a paper copy of *any* correspondence regarding the claim they represent.

Attorney or agent copies of correspondence that is centrally printed through the CBCM program will be mailed from the printing facility directly to the representative.

Important:

- When preparing correspondence, always check the default address against the Office of General Counsel **(OGC) accreditation list** to ensure the address is current.
- If the Veteran has multiple representatives, it is the claim processor's responsibility to ensure that the correct representative is included on the appropriate correspondence.
- When providing a paper copy of a decision notice based on a rating decision, and that decision notice is based on a rating decision, attach a copy of the rating decision *Narrative* and *Codesheet*.

References: For more information on

- providing notice of correspondence to VSO, see **M21-1, Part I, Subpart i, 2.B.1.c**
- the accreditation of private attorneys and claims agents, see the **OGC Accreditation Search**
- requirements for preparing correspondence to attorneys and claims agents, see **M21-1, Part I, Subpart i, 2.B.1.e-i**, and
- documenting legacy appeal decisions and providing copies to representatives, see **M21-5, Chapter 7, Section D**.

I.i.2.B.1.e. Requirement to List the Private Attorney or Claims Agent Address in the CC Line

When generating correspondence, if the representative is a private attorney or claims agent, include the representative's mailing address in the carbon copy (cc) line of the correspondence.

References: For more information on

- letters generated in various applications, see **M21-1, Part I, Subpart i, 2.B.1.f-i**, and
- listing the attorney or agent's name in legacy appeal documents, see
- **M21-5, Chapter 7, Section D, 3.h**, and
- **M21-5, Chapter 7, Section D, 4.e**.

I.i.2.B.1.f. Adding an Attorney or Agent Name and Address to Letters Created Outside VBMS

To add an attorney or agent's name and address to letters created outside VBMS:

- if one exists, delete the generic designation (PRIVATE ATTORNEY WITH EXCLUSIVE CONTACT or AGENT OR PVT ATTY-EXCLUSIVE CONTACT NOT) within the Microsoft Word document from the cc line
- replace the deleted text with the private attorney/agent's name and address
- finalize the letter, and
- upload the letter to the eFolder.

Note: If the Veteran has a VSO representative, the letter will populate with the VSO organization automatically.

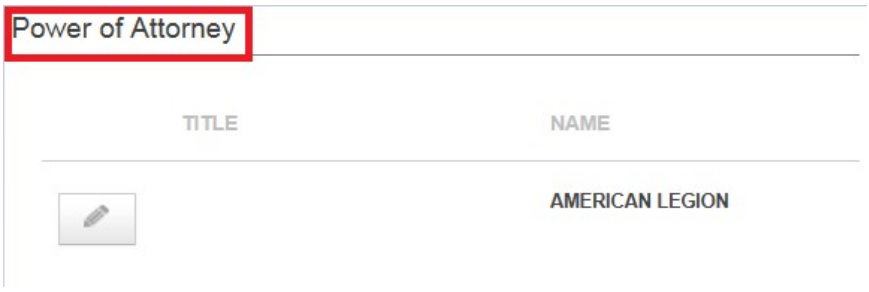
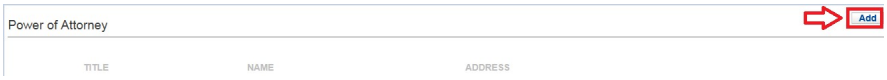
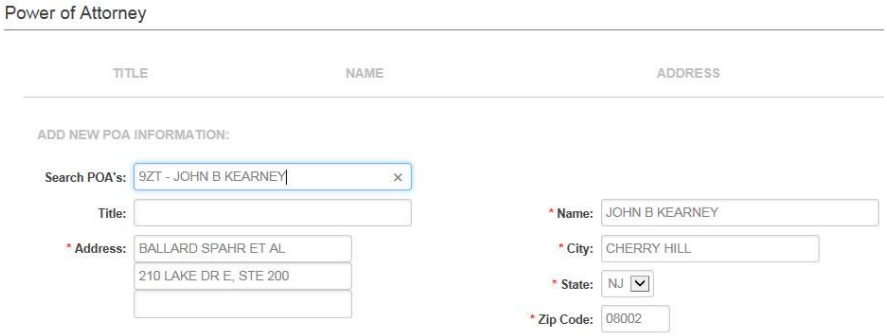
Reference: For more information on converting documents to portable document format and uploading into the eFolder, see **M21-1, Part II, Subpart ii, 2.A.1.b**.

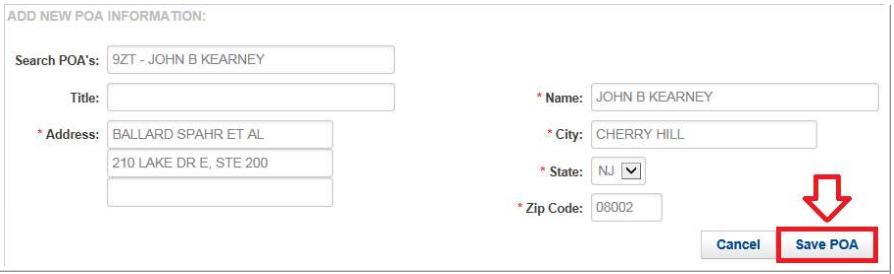
I.i.2.B.1.g. Adding a Representative's Name and Address to Letters in VBMS Core

Follow the instructions in the table below to list the representative name and address to letters in VBMS Core.

If ...	Then ...
a private attorney or agent is already selected	check the default address against the **OGC accreditation list** to ensure the address is current. ***Example***:
• a private	refer to the steps in the table below.

attorney or agent is not already selected, or
- the user needs to change the representation for the specific correspondence

Step	Action
1	Navigate to the POWER OF ATTORNEY box within the letter template. ***Example***: 
2	Delete the existing representative listed if applicable. ***Example***:
3	Add the new representation information using the ADD button. ***Example***: 
4	Begin typing the name of the representative in the SEARCH POA'S field. A list will appear. Choose the correct representative if listed. The address will automatically populate. ***Example***:  ***Note***: If the name is not listed, manually enter the information required. Ensure the address is current by checking against the **OGC accreditation list**.
5	Save the information using the SAVE POA button. ***Example***:



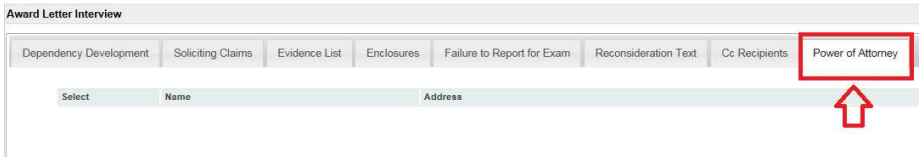
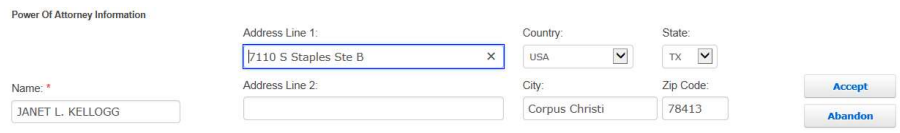
6	Prior to finalizing the letter, preview it to ensure that the information populated correctly. ***Example***: Thank you for your service, Enclosure(s): Where to Send Written Correspondence Chart cc: BRIAN R JOHNSON LEMLE & KELLEHER, LLP 601 POYDRAS STREET SUITE 2200 NEW ORLEANS, LA 70130

Important: Changing a representative this way only changes it for the purpose of the specific correspondence. It will not change the appointed representative as listed in the corporate data base.

Reference: For more information on updating electronic systems for power of attorney, see M21-1, Part I, Subpart i, 2.C.2.

I.i.2.B.1.h. Adding a Representative's Name and Address to Letters Generated in VBMS Awards/ADL

To add the representative name and address to a letter generated in VBMS Awards/Automated Decision Letter (ADL) follow the steps in the table below.

Step	Action
1	Select the POWER OF ATTORNEY tab from the AWARD LETTER INTERVIEW screen. ***Example***: 
2	Select EDIT if the information needs to be changed or the address updated based on address confirmation of the OGC accreditation list.
3	Enter the information into the text fields.
4	If the private attorney/agent ***has*** a unique code associated with the Veteran's record, type the address of the private attorney/agent in the field as shown in this fictional example. The name of the attorney or agent will be automatically inserted. ***Example***:  If the private attorney/agent ***does not*** have a unique code and the generic 099 or

	066 code is being used, add the attorney or agent name in addition to the address in the field.
5	Select ACCEPT.
6	Preview the letter to ensure the cc line contains the private attorney/agent name. ***Example***: Thank you for your service, Enclosure(s): Where to Send Written Correspondence Chart cc: BRIAN R JOHNSON LEMLE & KELLEHER, LLP 601 POYDRAS STREET SUITE 2200 NEW ORLEANS, LA 70130
7	Finalize the letter.

Important: Changing a representative this way only changes it for the purpose of the specific correspondence. It will not change the appointed representative as listed in the corporate data base.

I.i.2.B.1.i. Adding a Representative's Name and Address in the SOC/SSOC Program

The SOC/SSOC program for legacy appeals will prompt the user to complete cover letter fields including a cc line.

Add the representative's name and address to the cc line when a private attorney or claims agent is representing the appellant.

Reference: For more information on documenting legacy appeal decisions, see **M21-5, Chapter 7, Section D**.

2. Representatives' Authority to Review a Claims Folder

Introduction

This topic contains information on representatives' authority to review a claims folder, including

- authority
- **to review a claims folder**, and
- **for contractors to review a claims folder**
- **assistance in reviewing the claims folder**
- **specific authorization required to disclose records protected by 38 U.S.C. 7332**
- **VA forms providing legally sufficient 38 U.S.C. 7332 authorization**
- **duration of 38 U.S.C. 7332 authorization**
- **38 U.S.C. 7332 authorization - relationship to the representative's system access**
- **notification requirement where appointment forms lack 38 U.S.C. 7332 election**
- **handling claims folder reviews by representatives of non-Veteran claimants in cases where the Veteran is living**
- **location for conducting a claims folder review**, and

- no authority to review rating decisions prior to issuance of a decision notice.

Change Date August 15, 2022

I.i.2.B.2.a. Authority to Review a Claims Folder

A representative has the authority to review the claimant's records to prepare, present, and prosecute a claim – subject to any limitation imposed by the representative's appointment and/or by applicable laws or regulations.

There are several situations where the appointment may limit the representative's authority to review the claims folder, such as

- if the appointment document is not signed, or
- the claimant does not authorize VA to disclose information on conditions protected by 38 U.S.C. 7332.

If the representative is appointed for only one claim, the representative is permitted to review the information in the claims folder.

Other applicable laws or regulations, such as those limiting disclosure of FTI, may also impact what a representative is entitled to review.

Important: The right of representatives to review the claimant's records in the claims folder does not include a right to review rating decisions prior to issuance of a decision notice by VA.

Notes:

- A declaration of representation written on an attorney's letterhead is not sufficient to release information. A *VA Form 21-22a, Appointment of Individual as Claimant's Representative*, signed by the claimant is required. For more information, see 5 U.S.C. 552a(b), 38 U.S.C. 5701, and 38 U.S.C. 7332.
- Without a *VA Form 21-22a* signed by the claimant, an attorney does not have the authority to review the claims folder or receive any correspondence from VA including development letters, decision letters, or copies thereof.
- If a *VA Form 21-22a* is not signed by the claimant and the claimant has a paper (as opposed to an electronic) claims folder, back-file the form to show a signature is not of record and update the appropriate electronic claims system by noting there is no authority to disclose information to the attorney.
- If a *VA Form 21-22a* is not signed by the claimant and the claimant has an electronic (as opposed to a paper) claims folder, annotate the form to show a signature is not of record and update the permanent notes in the appropriate processing system to reflect there is no authority to disclose information to the attorney.

Exception: An RO may release a claimant's claims folder to the individual's attorney without a signed *VA Form 21-22a* being of record when the RO receives a

- request from the OGC Professional Group VII regarding representation of claimants before the U.S. Court of Appeals for Veterans Claims, and
- signed statement from the claimant authorizing VA to provide a copy of the claims folder to the attorney.

References: For more information on

- requirements for appointing a representative, see M21-1, Part I, Subpart i, 2.A.2
- general scope of a representative's authority, see M21-1, Part I, Subpart i, 2.A.4.a, and
- the policy that representatives have no authority to review rating decision prior to issuance of a decision notice by VA, see M21-1, Part I, Subpart i, 2.B.2.k.

I.i.2.B.2.b. A Allow contractors (individual or entity) hired by the representative

uthority for Contractors to Review a Claims Folder

to review information in the claims folder *only if* the claimant gives specific written consent to release records to the representative's contractors.

Example: If Disabled American Veterans (DAV) represents a claimant, do not allow a private physician hired by DAV to review the claims folder unless the claims folder contains specific written consent from the claimant on ***VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative***, or in a separate signed statement, to release information to contractors of DAV. If the claims folder does not contain the claimant's written consent, limit review of the claims folder to DAV and its employees.

I.i.2.B.2.c. Assistance in Reviewing the Claims Folder

Obtain specific written consent from the claimant before allowing a law student, legal intern, or paralegal to access the claimant's claims folder.

Reference: For more information on law students, legal interns, or paralegals accessing a claimant's claims folder, see **38 CFR 14.629(c)(3)**.

I.i.2.B.2.d. Specific Authorization Required to Disclose Records Protected by 38 U.S.C. 7332

The claimant must specifically authorize consent VA to disclose records to the claimant's representative that relate to conditions protected under the provisions of **38 U.S.C. 7332**, namely

- drug abuse
- alcoholism or alcohol abuse
- infection with the human immunodeficiency virus, or
- sickle cell anemia.

The claimant may

- authorize disclosure of all protected records, or
- limit disclosure to *one or more* categories of protected records.

Reference: For more information on the relationship between **38 U.S.C. 7332** authorization and access to VA electronic system access to claims folder materials, see **M21-1, Part I, Subpart i, 2.B.2.g**.

I.i.2.B.2.e. VA Forms Providing Legally Sufficient U.S.C. 7332 Authorization

The current version of the ***VA Form 21-22*** or ***VA Form 21-22a*** provides legally sufficient **38 U.S.C. 7332** authorization when completed in connection with new or updated representative appointments. A prior form version that would be acceptable to create a new or updated appointment as provided in **M21-1, Part I, Subpart i, 2.C.1.c**, and **M21-1, Part II, Subpart i, 2.B.4.a** will also contain legally sufficient authorization language.

References: For more information on

- handling representative appointments, see **M21-1, Part I, Subpart i, 2.C.1**
- updating electronic systems to reflect a representative, see **M21-1, Part I, Subpart i, 2.C.2**
- acceptable versions of ***VA Form 21-22*** or ***VA Form 21-22a***, see **M21-1, Part I, Subpart i, 2.C.1.c**, and
- handling outdated forms, see
- **M21-1, Part II, Subpart i, 2.B.4**, and
- **M21-1, Part I, Subpart i, 2.C.1.g**.

I.i.2.B.2.f. Duration of 38 U.S.C. 7332 Authorization

When a claimant has completed a **38 U.S.C. 7332** authorization in connection with appointment of a representative using ***VA Form 21-22*** or ***VA Form 21-22a***, the authorization remains in effect until the *earliest* of the following:

- the claimant revokes the **38 U.S.C. 7332** authorization by

filing a written revocation with VA
- the claimant revokes the representative's appointment explicitly, or
- the claimant implicitly revokes the representative's appointment by appointing another representative.

I.i.2.B.2.g. 38 U.S.C. 7332 Authorization - Relationship to the Representative's System Access

To prevent inadvertent disclosure of records protected by 38 U.S.C. 7332, a claimant's representative may only access VA electronic systems pertaining to the claimant when there is a ***valid claimant authorization in effect*** permitting disclosure of ***all protected records***. A 38 U.S.C. 7332 authorization completed in connection with the representative's appointment using *VA Form 21-22* or *VA Form 21-22a* remains in effect as provided in M21-1, Part I, Subpart i, 2.B.2.f and is sufficient for purposes of VA electronic system access by that representative if

- the form was valid at the time it was received
- the claimant has explicitly authorized the representative to access records protected by 38 U.S.C. 7332, ***and***
- there are no restrictions described by the Veteran.

The representative may ***not*** access VA electronic systems if the claimant

- has not provided specific authorization to release all records protected by 38 U.S.C. 7332 (including cases where the claimant has provided a limited authorization), ***or***
- has revoked the 38 U.S.C. 7332 authorization.

Important: Where the appointment of the current representative occurred before a 38 U.S.C. 7332 election was added to the appointment forms, the representative's access to electronic systems must be restricted unless/until the claimant authorizes access to all records protected by 38 U.S.C. 7332.

References: For more information on

- VA forms providing legally sufficient 38 U.S.C. 7332 authorization for a new or updated appointment, see M21-1, Part I, Subpart i, 2.B.2.e, and
- providing notification to the claimant where a representative's appointment form lacks a 38 U.S.C. 7332 election, see M21-1, Part I, Subpart i, 2.B.2.h.

I.i.2.B.2.h. Notification Requirement Where Appointment Forms Lack 38 U.S.C. 7332 Election

If the *VA Form 21-22* or *VA Form 21-22a* used to appoint the claimant's current representative does not permit release of 38 U.S.C. 7332 protected records, follow the procedure below.

Step	Action
1	• Send the claimant • a current version of the appropriate appointment form, and • the *Failure to Elect 38 U.S.C. 7332 Letter* or equivalent letter. • Continue adjudicating the claim with restricted representative access.
2	Did the claimant provide an updated form? • If *yes*, go to Step 3. • If *no*, disregard the remaining step in the table. ***Explanation***: The RO has no obligation to take further action if the claimant does not return an explicit, valid election with regard to information protected under 38 U.S.C. 7332. The record will contain the notice provided in Step 1 as evidence that the claimant was given an opportunity to provide a valid authorization.
3	Process the updated appointment form as provided in M21-1, Part I, Subpart i, 2.C.1 and

	2.

Important:

- Send the notice provided in this block once. There is no requirement to send it with each new claim. The *Failure to Elect 38 U.S.C. 7332 Letter* has a readily identifiable subject line so employees can determine whether or not the letter was previously sent.
- There is no requirement for RO staff to routinely obtain updated authorization for release of records protected under 38 U.S.C. 7332. New and previous appointments remain valid as provided in M21-1, Part I, Subpart i, 2.B.2.f and g.

I.i.2.B.2.i. Handling Claims Folder Reviews by Representatives of Non-Veteran Claimants in Cases Where the Veteran Is Living

Do not allow the representative of a non-Veteran claimant to review the claims folder of a living Veteran except where the claimant is acting on behalf of the Veteran. Do not furnish the claimant or representative any information or material

- to which the person is not entitled, or
- that does not pertain to the claimant alone.

Reference: For more information on representation of a claimant not acting on behalf of the Veteran, see 38 CFR 1.525(a)(2).

I.i.2.B.2.j. Location for Conducting a Claims Folder Review

A representative who holds a written authorization or consent to review a claims folder may review the claims folder within an RO in a space designated for such reviews.

If the authorization or consent is limited, then the representative may review *only* the information in the claims folder that the Veteran has authorized or consented for the representative to review.

The RO director may permit accredited representatives of service organizations to review a claims folder at the desk of the accredited representative.

References: For more information on

- the review of the claims folder, see 38 CFR 1.525, and
- limited representation, see M21-1, Part I, Subpart i, 2.A.2.d.

I.i.2.B.2.k. No Authority to Review Rating Decisions Prior to Issuance of a Decision Notice

Accredited representatives (VSOs, attorneys, and claim agents) have no authority – and will not be permitted – to review rating decisions before VA issues a decision notice.

Reference: For more information on historical criteria applicable to VSO review of rating decisions prior to promulgation and issuance of a decision notice, see the attachment to historical M21-1, Part I, 1.B, *Historical_M21-1I_1_SecB_2-19-19*.

From <https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000181476/M21-1-Part-I-Subpart-i-Chapter-2-Section-B-A-Representatives-Right-to-Notification-and-Review-of-Records>

M21-1, Part I, Subpart i, Chapter 2, Section C - System Updates for Power of Attorney (POA) Appointments

Article ID: 554400000181477
Updated Mar 20, 2025
Topics
M21-1 Adjudication Procedures Manual >
Part 01 (Part I). Claimants' Rights and Claims Processing Centers and Programs >
Subpart i. Claimants' Rights and Responsibilities >
Chapter 02. Power of Attorney

<-- Previous Section Next Section -->

Overview

In This Section This section contains the following:

Topic	Topic Name
1	Handling POA Appointments
2	Updating Electronic Systems for POA
3	POA Codes

1. Handling POA Appointments

Introduction This topic contains information on handling representative appointment forms, including

- when to process POA appointment forms
- endorsing a POA appointment form as limited representation
- acceptable versions of *VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative*
- reviewing a submitted *VA Form 21-22* or *VA Form 21-22a, Appointment of Individual as Claimant's Representative*
- what constitutes a complete *VA Form 21-22* or *VA Form 21-22a*
- action required to revoke or change POA
- handling an

- **outdated *VA Form 21-22* or *VA Form 21-22a***, and
- **incomplete *VA Form 21-22* or *VA Form 21-22a***
- **acknowledging receipt of *VA Form 21-22* or *VA Form 21-22a***
- **unclear declaration**
- **handling appointment forms/letters when there is no record of a claims folder**, and
- **processing claims from a POA without appointment forms/letters**.

Change Date March 20, 2025

I.i.2.C.1.a. When to Process POA Appointment Forms	Process representative appointment forms as soon as they are received from the claimant.

I.i.2.C.1.b. Endorsing a POA Appointment Form as Limited Representation

Limited representation by a power of attorney (POA) must be clearly noted in order to prevent a POA's access to claims folder material that does not relate to the authorized scope of representation. This includes material that does not pertain to a non-Veteran claimant (such as an apportionee).

- Add a permanent note in the Veterans Benefits Management System (VBMS) indicating the limited appointment of representation, and
- edit the document's subject line to read *Limited*, after the document has been uploaded to the electronic claims folder (eFolder).

References: For more information on

- limited representation, see **M21-1, Part I, Subpart i, 2.A.2.d**
- claims folder review by representatives of non-Veteran claimants, see **M21-1, Part I, Subpart i, 2.B.2.i**
- claims folder review in cases of limited representation, see **M21-1, Part I, Subpart i, 2.B.2.j**
- instances where it is unclear if there is limited representation, see **M21-1, Part I, Subpart i, 2.C.1.j**
- inspection of records and disclosure of information to representatives, see **38 CFR 1.525(a)(2)**, and
- changing the subject line of a document in an eFolder, see the *VBMS Core User Guide*.

I.i.2.C.1.c. Acceptable Versions of VA Form 21-22

The Department of Veterans Affairs (VA) ***can*** accept older versions of ***VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative***, until depletion of existing stock in accordance with **M21-1, Part II, Subpart i, 2.B.4**. Follow the guidance in **M21-1, Part I, Subpart i, 2.C.1.g**, for establishment of representation when an outdated version of the ***VA Form 21-22*** is received.

Important:

- *Do not* establish or change a claimant's representation, unless the form is complete as described in **M21-1, Part I, Subpart i, 2.C.1.e**.
- Always accept older versions of forms submitted via the Stakeholder Enterprise Portal (SEP) and Veterans Online Application (VONAPP) Direct Connect (VDC). The form versions included in Veterans Benefits Administration (VBA) applications for electronic submission may significantly lag behind the release of new form versions.

References: For more information on

- submission of ***VA Form 21-22*** via SEP/VDC, see **M21-1, Part II, Subpart iii, 4.B.1.c**, and
- processing an incomplete ***VA Form 21-22*** or ***VA Form 21-22a, Appointment of Individual as Claimant's Representative***, see **M21-1, Part I, Subpart i, 2.C.1.h**.

I.i.2.C.1.d. Reviewing a Submitted VA Form 21-22 or VA Form 21-22a

Take the following actions when reviewing a ***VA Form 21-22*** or ***VA Form 21-22a***:

- check the form for compliance with the guidance in **M21-1, Part I, Subpart i, 2.B.2.e** regarding **38 U.S.C. 7332** and authorization for disclosure of protected records
- check that the form is complete, as described in **M21-1, Part I, Subpart i, 2.C.1.e**
- process each copy of the properly completed and current form, and
- update electronic systems to reflect the appointment.

Note: A ***VA Form 21-22*** received as part of an Integrated Disability Evaluation System (IDES) claim must have the word *Veteran* replaced with *Service Member* in Block 1.

References: For more information on

- receiving a ***VA Form 21-22*** from an IDES participant, see **M21-1, Part X, Subpart i, 6.E.4.a**
- receiving a ***VA Form 21-22a*** in attorney agent and fee processing, see **M21-5, Chapter 8, Section A**
- sending the one-time notification for a ***VA Form 21-22*** or ***VA Form 21-22a*** that lacks **38 U.S.C. 7332** election, see **M21-1, Part I, Subpart i, 2.B.2.h**, and
- updating POA in electronic systems, see **M21-1, Part I, Subpart i, 2.C.2**.

I.i.2.C.1.e. What Constitutes a Complete VA Form 21-22 or VA Form 21-22a

Use the table below to determine whether the ***VA Form 21-22*** or ***VA Form 21-22a*** is complete.

Form Type	Required Information
VA Form 21-22	• enough information to identify the Veteran/claimant • the name of the service organization • signature, with a corresponding date of signature, of the • Veteran/claimant • Veteran/claimant's guardian, or • in the case of an incompetent, minor, or otherwise incapacitated person without a guardian, the following in the order named: • spouse • parent • other relative or friend (if interests are not adverse), or • director of the hospital in which the Veteran/claimant is maintained, and • signature of the representative acting on behalf of the service organization with a corresponding date of signature. ***Notes***: • All forms received on or after April 22, 2013, require a Veterans service organization (VSO) signature unless otherwise noted in this block. • The term *guardian* includes a VA-appointed fiduciary. ***Exceptions***: • Regional offices (ROs) are required to accept a ***VA Form 21-22*** with or without the VSO's signature if received between June 19, 2012 (the date the first revision of the form containing a VSO signature block was released to the public), and April 21, 2013 (the date the first revision of the form containing the VSO signature block was

	made available in SEP/VDC). • Due to a technical issue, ***VA Forms 21-22*** submitted through SEP/VDC between March 22, 2015, and May 3, 2015, do not show an electronic signature from the Veteran. The forms without an electronic signature from this period remain valid for VA purposes. ***Reference***: For more information on requirements for establishment of POA through VDC/SEP, see **M21-1, Part II, Subpart iii, 4.B.1.c**.
VA Form 21-22a	• enough information to identify the Veteran/claimant • the name of the individual appointed as the Veteran/claimant's representative • identification of the type of representation • attorney • agent • individual providing representation under **38 CFR 14.630** (claimant and representative signatures and the address of the representative must be provided), or • service organization representative • signature, with a corresponding date of signature, of the • Veteran/claimant • Veteran/claimant's guardian, or • in the case of an incompetent, minor, or otherwise incapacitated person without a guardian, the following in the order named • spouse • parent • other relative or friend (if interests are not adverse), or • director of the hospital in which the Veteran/claimant is maintained, and • signature of the individual providing representation on a one time basis, representative of an accredited VSO, agent, or attorney with a corresponding date of signature. ***Notes***: The term *guardian* includes a VA-appointed fiduciary. ***References***: For more information on • representation by an individual to prepare, present, and prosecute one claim, see **38 CFR 14.630** • requirements regarding who can sign on behalf of an individual deemed incompetent, minor, or otherwise incapacitated person without a guardian, see **38 CFR 14.631(a)(1)(iii)**, and • the definition of a guardian, see **M21-1, Part X, Subpart ii, 6.C.1.a**.

Important: Completion of Blocks 16A and 16B of ***VA Form 21-22*** is optional. If completed, there is no need to verify that the specific representative listed in Block 16A is accredited. This form documents the appointment of the entire service organization listed in Block 15 and does not limit action to a specific representative within the organization.

References: For more information on

- signatures by an official representative of the VSO indicating acceptance of the claimant's appointment, see **38 CFR 14.631**, and
- representation of beneficiaries in the fiduciary program, see **38 CFR 13.40**.

I.i.2.C.1.f. Action Required to Revoke or Change POA

Take the following actions when a request to revoke POA is received or a new POA is appointed:

- update all systems as described in M21-1, Part I, Subpart i, 2.C.2.a, and
- notify the revoked representative.

The electronic copy of *VA Form 21-22* or *VA Form 21-22a* must be edited to show that the POA status has been revoked. Follow the steps in the table below to properly annotate and identify the revoked form in the eFolder.

Step	Action
1	Open the electronic copy of the form.
2	Print the document, selecting *Adobe PDF* as the printer.
3	Open the document in Adobe Acrobat Pro.
4	Click the ADD TEXT function and click inside the box where the revocation reason and date is entered.
5	Type in the reason for revocation and the date it is being processed.
6	Save the document on your desktop.
7	Print a copy of the annotated form and send to the former representative.
8	Upload the annotated document to the eFolder with the following attributes: **In the document field …** / **Enter …** SUBJECT / *Revoked*. CATEGORY – TYPE / the same type as the electronic form being revoked. SOURCE / *Veteran*. DATE OF RECEIPT / the same receipt date as the electronic form being revoked.
9	Add a note indicating which POA was revoked.

Notes:

- Only the most recent POA must be notified when their representation has been revoked. Do not take action to notify prior POAs that were not previously informed of the revocation.
- Notice of revocation is not required when representation ends due to the death of the beneficiary, however, the POA must be removed from the record. If the beneficiary is
- the Veteran (payee code 00), processing the first notice of death (FNOD) is sufficient, as the FNOD command terminates the POA of record, or
- a non-payee code 00 beneficiary, the POA must be manually removed from the record using VBMS after processing the notice of death.

References: For more information on

- updating POA in electronic systems, see M21-1, Part I, Subpart i, 2.C.2
- revoked or terminated representation, see M21-1, Part I, Subpart i, 2.A.6
- uploading eFolder documents or changing the subject line of a document in an eFolder, see the *VBMS Core User Guide*, and
- Veteran FNOD processing, see M21-1, Part XI, Subpart i, 1.A.

I.i.2.C.1.g. Handling an Outdated VA

Send a development letter requesting completion of the current version of the *VA Form 21-22* or *VA Form*

Form 21-22 or VA Form 21-22a

21-22a, when a claimant submits an outdated version of the form. With the letter

- provide the current version of the form for completion, and
- return the outdated form.

Important: If the outdated form was received in the Centralized Mail (CM) portal, print a copy of the form, create the development letter, and associate a copy of the development letter and the mail with the eFolder.

Reference: For more information on handling outdated forms, see **M21-1, Part II, Subpart i, 2.B.4**.

I.i.2.C.1.h. Handling an Incomplete VA Form 21-22 or VA Form 21-22a

Use the procedure below if *VA Form 21-22* or *VA Form 21-22a* is incomplete.

If the VSO is ...	Then ...
located in the same building as the RO	• forward the form to the VSO for completion, and • check all necessary incomplete items on the form.
• not located in the same building as the RO, and • there is an end product (EP) pending	return the incomplete form to the claimant with a letter listing all necessary items on the for completion.
• not located in the same building as the RO, and • there is *no* EP pending	• establish an EP 400 *Correspondence* • return the incomplete form to the claimant with a letter listing all necessary items for completion, and • clear the EP 400.

Important: If the incomplete form was received in the CM portal, print a copy of the form, take the appropriate action identified in the table above, then associate the mail with the eFolder.

Note: The VBMS development action *Form incomplete* can be found under the category GENERAL.

Reference: For more information on VBMS development actions, see the *VBMS Core User Guide.*

I.i.2.C.1.i. Acknowledging Receipt of VA Form 21-22 or VA Form 21-22a

The current versions of *VA Form 21-22* or *VA Form 21-22a* no longer have multiple copies to be acknowledged and sent to the POA or representative.

Upload the form from the CM portal to the eFolder. No further action to acknowledge receipt of the form is required.

Notes:

- The documents uploaded from the CM portal are shown in VBMS.
- The service organization is able to view the eFolder claims for Veterans or claimants they represent.
- Veteran Readiness and Employment Service, Education, Insurance, and Loan Guaranty have access to VBMS.

I.i.2.C.1.j. Unclear Declaration If a private attorney's declaration of representation is unclear whether it is limited to a certain claim/appeal or unlimited, write to the attorney and ask for clarification.

I.i.2.C.1.k. Handling Appointment Forms/Letters When There Is No Record of a Claims Folder Use the table below to handle the receipt of ***VA Form 21-22***, ***VA Form 21-22a***, or the appointment letter when there is no record of a claims folder or a pending claim.

If …	Then update the POA and…
the form/letter indicates a claim for benefits administered by another business line	send the form/letter to the appropriate business line as indicated in **M21-1, Part II, Subpart i, 2.D**.
there is no indication of a claim for benefits being submitted with the form/letter	associate the form/letter with the eFolder after the Veteran is established in the corporate record.

I.i.2.C.1.l. Processing Claims From a POA Without Appointment Forms/Letters For a POA to be authorized to submit claims on behalf of a claimant, there must be an appointment form or letter executed at the time of claim submission. A claim filed by an accredited representative of a VSO, agent, non-licensed individual, or attorney prior to the completion of the necessary ***VA Form 21-22***, ***VA Form 21-22a***, or appointment letter is invalid and has no legal effect.

Use the table below to determine how to process claim submissions from a POA when the required appointment form/letter is not of record.

If ...	Then ...
the submitted claim form contains the claimant's signature	accept the submission as a valid claim.
the submitted claim form does *not* contain the claimant's signature	process the submission as a request for application under **M21-1, Part II, Subpart iii, 2.G**.
the RO subsequently receives an appointment form or letter dated on or before the submission of the claim in question	accept the submission as a valid claim.

Reference: For more information on POA authority to submit claims, see **M21-1, Part I, Subpart i, 2.A.4.b**.

2. Updating Electronic Systems for POA

Introduction This topic contains information on updating electronic systems for POA, including

- **required system updates for changes in POA appointments**
- **updating the POA and POA permissions in VBMS**
- **handling preexisting representative relationships**, and
- **actions to take when the POA code cannot be found**.

Change Date March 4, 2019

I.i.2.C.2.a. Required System The following system updates are required when

Updates for Changes in POA Appointments

a claimant appoints a new representative or revokes a current representative:

- VBMS, and
- Veterans Appeals Control and Locator System (VACOLS) (if there is an active legacy appeal pending at the RO).

References: For more information on

- updating the POA in VACOLS, see the ***VACOLS User Guide***
- updating the POA and POA permissions in VBMS, see **M21-1, Part I, Subpart i, 2.C.2.b**, and
- using flashes in attorney fee cases, see **M21-5, Chapter 8, Section A.2.d**.

I.i.2.C.2.b. Updating the POA and POA Permissions in VBMS

Use VBMS to reflect the appointment of a POA, as well as the POA's permission to change a claimant's address and/or access to a Veteran's eFolder.

Navigate to the Veteran's profile and access the POA screen from the VETERAN drop-down menu. Click the EDIT GENERAL POA button and make the appropriate selections.

Important:

- Private attorneys accredited by VA and assigned a POA code will be listed under the *VSO* option, not *Private*.
- Do not allow POA access to the Veteran's eFolder if the claimant has not provided specific authorization to release all records protected by **38 U.S.C. 7332** (including cases where the claimant has provided a limited authorization).
  Exception: When the POA is appointed to assist the claimant on a specific claim (limited representation), open the specific EP from the CLAIMS drop-down menu and click EDIT CLAIM DETAILS. Select the POA code and update the POA's authority to change the claimant's address and/or access the Veteran's claim folder (as appropriate).

References: For more information on

- editing POA information in VBMS, see the *VBMS Core User Guide*
- identifying if the POA should have permission to
- change the claimant's address, see **M21-1, Part II, Subpart iii, 3.B.1**, and
- access the eFolder, see **M21-1, Part I, Subpart i, 2.B.2**
- limited representation by a POA, see
- **M21-1, Part I, Subpart i, 2.A.2.d**
- **M21-1, Part I, Subpart i, 2.C.1.b**, and
- **M21-1, Part I, Subpart i, 2.C.2.c**, and
- accessing EP and claim details in VBMS, see the *VBMS Core User Guide*.

I.i.2.C.2.c. Handling Preexisting Representative Relationships

When a claimant files a limited declaration of representation with respect to a particular claim or claims, continue any preexisting representative relationship with a VSO, agent, or other licensed attorney with respect to all other claims unless specifically revoked by the claimant.

Note: Update the EP in VBMS to reflect the limited representation by adding the limited representative's POA code to the EP(s) for the particular claim(s) covered by the declaration of representation, as indicated in **M21-1, Part I, Subpart i, 2.C.2.b**.

I.i.2.C.2.d. Actions to Take When the POA Code Cannot Be

Locate the POA using the **Office of General Counsel (OGC) Accreditation Search**.

Found

If the POA was ...	Then ...
found	• use POA code 099 • add a VBMS note explaining the situation and actions taken, and • follow the procedure in M21-1, Part I, Subpart i, 2.C.3 to have the POA added to the corporate database.
not found	• add a VBMS note explaining why the POA could not be updated, and • forward the information to the Agent and Attorney Fee Coordinator (AAFC) for follow-up with the POA. No further action is required.

Reference: For more information on the AAFC's responsibilities in handling non-accredited POA submissions, see M21-5, Chapter 8, Section A.

3. POA Codes

Introduction

This topic contains information on the POA codes, including

- general information on POA codes
- adding POA codes to the corporate database
- updating an incorrect private attorney/agent address in the corporate database
- National organization POA codes listed
- alphabetically, and
- numerically, and
- State organization POA codes listed
- alphabetically, and
- numerically.

Change Date March 20, 2025

I.i.2.C.3.a. General Information on POA Codes

Accredited POAs are assigned an alphanumerical code after validation by OGC. These POA codes are displayed in the

- corporate record as either alphanumeric codes or by the name of the organization, and
- Beneficiary Identification and Records Locator Subsystem using the alphanumeric codes prefixed by a zero.

Most state VSO codes are based on the last two digits of the RO number. Only one number is used when there is more than one RO to a state. States not listed have no recognized VSO.

Important: Private attorneys or agents submitting requests to represent a VA claimant must be verified as accredited by OGC, per 38 CFR 14.629.

Reference: For a list of accredited VSOs, attorneys, and agents, see the OGC Accreditation Search.

I.i.2.C.3.b. Adding POA Codes to the Corporate Database

Data Architecture is responsible for adding new POA codes to the corporate database. This occurs when a POA is not located in corporate but is found in the OGC Accreditation Search.

Follow the procedures in the table below to have the POA added to the corporate database.

Stage	Description
1	Report an issue in the YourIT Service Portal and include the • POA code • name of agent, attorney, or representative • role, such as • claims agent • an attorney, or • VSO representative • POA's contact information (address, phone, fax, and e-mail), and • a request to route the ticket to the VBA CORP DA team for processing.
2	Update the claimant's profile to include POA code 099 as a placeholder until the corporate database is updated. ***Note***: YourIT will open a trouble ticket to track the issue. When the POA code has been added to the corporate database, YourIT will notify the employee who submitted the request and close the ticket.
3	Upon receiving the notification of a newly established POA code, the AAFC will • contact the individual attorney or agent to identify any other Veterans or claimants they represent • verify the validity of the other client's *VA Form 21-22a*, and • update all records as necessary. ***Note***: Historically, these individuals may have been assigned a 099 (no exclusive contact) or 066 (exclusive contact) code and will not automatically be displayed for the specific attorney in Share, VBMS, or SEP.

I.i.2.C.3.c. Updating an Incorrect Private Attorney/Agent Address in the Corporate Database

Claims processors that identify a discrepancy between the private attorney/agent mailing address applied by a VA system (VBMS or otherwise) and the representative's mailing address found on the OGC Accreditation Search must report the discrepancy to Compensation Service.

When identified, the claims processor must
- e-mail the VAVBAWAS/CO/AFC corporate mailbox to report the discrepancy, and
- override the system-generated mailing address and use the address identified on the OGC Accreditation Search.

Important: Overriding the system-generated mailing address will only affect the current letter being generated. The override process will need to be completed on each letter being sent to the representative until the corporate database is updated to reflect the address listed in the OGC Accreditation Search.

Reference: For more information on adding/editing a representative's address in VBMS Core, see M21-1, Part I, Subpart i, 2.B.1.g.

I.i.2.C.3.d. National Organization The table below lists the POA codes for

POA Codes Listed Alphabetically National VSOs alphabetically.

National Organization Name	POA Code
African American PTSD Association	091
American Legion	074
American Red Cross	075
American Veterans/AMVETS	077
Armed Forces Services Corporation	078
Army and Navy Union, USA	079
Blinded Veterans Association	080
Catholic War Veterans of the U.S.A.	081
Dale K. Graham Veterans Foundation	HW0
Disabled American Veterans	083
Fleet Reserve Association	085
Gila River Indian Community Vet and Family Services Office	JVC
Gold Star Wives of America, Inc.	012
Green Beret Foundation	HTC
Italian American War Veterans of the United States, Inc.	095
Jewish War Veterans of the United States	086
Legion of Valor of the United States of America, Inc.	087
Marine Corps League	088
Military Officers Association of America	A21
National Association for Black Veterans, Inc.	084
National Association of County Veterans Service Officers	064
National Law School Veterans Clinic Consortium	FYT
National Montford Point Marine Association, Inc.	JLW
National Veterans Legal Services Program	082
National Veterans Organization of America	094
Navajo Nation Veterans Administration	IP4
Navy Mutual Aid Association	093
Paralyzed Veterans of America, Inc.	071
Polish Legion of American Veterans, U.S.A.	003
Swords to Plowshares, Veterans Rights Organization, Inc.	043
The Retired Enlisted Association	007

United Spanish War Veterans of the United States	096
United Spinal Association, Inc.	090
Veterans of Foreign Wars	097
Veterans of the Vietnam War, Inc. & The Veterans Coalition	4R4
Veterans of World War I of the U.S.A., Inc.	098
Veterans' Voice of America	J3C
Vietnam Veterans of America	070
The Wounded Warrior Project	00V

I.i.2.C.3.e. National Organization POA Codes Listed Numerically

The table below lists the POA codes for National organizations numerically.

POA Code	National Organization Name
A21	Military Officers Association of America
FYT	National Law School Veterans Clinic Consortium
HTC	Green Beret Foundation
HW0	Dale K. Graham Veterans Foundation
IP4	Navajo Nation Veterans Administration
J3C	Veterans' Voice of America
JLW	National Montford Point Marine Association, Inc.
JVC	Gila River Indian Community Vet and Family Services Office
00V	The Wounded Warrior Project
003	Polish Legion of American Veterans, U.S.A
007	The Retired Enlisted Association
012	Gold Star Wives of America, Inc.
043	Swords to Plowshares, Veterans Rights Organization, Inc.
064	National Association of County Veterans Service Officers
070	Vietnam Veterans of America
071	Paralyzed Veterans of America, Inc.
074	American Legion
075	American Red Cross
077	American Veterans/AMVETS
078	Armed Forces Services Corporation
079	Army and Navy Union, USA
080	Blinded Veterans Association
081	Catholic War Veterans of the U.S.A.

082	National Veterans Legal Services Program
083	Disabled American Veterans
084	National Association for Black Veterans, Inc.
085	Fleet Reserve Association
086	Jewish War Veterans of the United States
087	Legion of Valor of the United States of America, Inc.
088	Marine Corps League
090	United Spinal Association, Inc.
091	African American PTSD Association
093	Navy Mutual Aid Association
094	National Veterans Organization of America
095	Italian American War Veterans of the United States, Inc.
096	United Spanish War Veterans of the United States
097	Veterans of Foreign Wars
098	Veterans of World War I of the U.S.A., Inc.
4R4	Veterans of the Vietnam War, Inc. & The Veterans Coalition

I.i.2.C.3.f. State Organization POA Codes Listed Alphabetically

The table below lists the POA codes for State organizations alphabetically by State.

State	State Organization Name	POA Code
Alabama	Department of Veterans Affairs	022
American Samoa	Veterans Affairs Office	067
Arizona	Department of Veterans' Services	045
Arkansas	Department of Veterans Affairs	050
California	Department of Veterans Affairs	044
Colorado	Division of Veterans Affairs	039
Connecticut	Department of Veterans' Affairs	008
Delaware	Commission of Veterans Affairs	060
Florida	Department of Veterans Affairs	017
Georgia	Department of Veterans Service	016
Guam	Office of Veterans Affairs	056
Hawaii	Office of Veterans Services	059

Idaho	Division of Veterans Services	047
Illinois	Department of Veterans Affairs	028
Indiana	Department of Veterans Affairs	E5L
Iowa	Department of Veterans Affairs	033
Kansas	Commission on Veterans Affairs	052
Kentucky	Center for Veterans Affairs	027
Louisiana	Department of Veterans Affairs	021
Maine	Veterans' Services	002
Maryland	Department of Veterans Affairs	013
Massachusetts	Executive Office of Veterans Services	4R3
Michigan	Veterans Affairs Agency	8FE
Minnesota	Department of Veterans Affairs	035
Mississippi	Veterans Affairs Board	023
Missouri	Veterans Commission	031
Montana	Veterans Affairs Division	036
Nebraska	Department of Veterans Affairs	034
Nevada	Department of Veterans Services	054
New Hampshire	Division of Veteran Services	073
New Jersey	Department of Military and Veterans' Affairs	009
New Mexico	Veterans' Service Commission	040
New York	Division of Veterans' Affairs	006
Northern Mariana Islands	Veterans Affairs Office	053
North Carolina	Department of Military & Veterans Affairs	018
North Dakota	Department of Veterans Affairs	037
Ohio	Department of Veterans Services	025
Oklahoma	Department of Veterans Affairs	051
Oregon	Department of Veterans Affairs	048
Pennsylvania	Department of Military and Veterans Affairs	010

Puerto Rico	Public Advocate for Veterans Affairs	055
Rhode Island	Division of Veterans Affairs	004
South Carolina	Division of Veterans Affairs	019
South Dakota	Department of Veterans Affairs	038
Tennessee	Department of Veterans Services	020
Texas	Veterans Commission	049
Utah	Office of Veterans Affairs	041
Vermont	Veterans Affairs Section, Military Department	005
Virgin Islands	Office of Veterans Affairs	302
Virginia	Department of Veterans Services	014
Washington	Department of Veterans Affairs	046
West Virginia	Department of Veterans Assistance	015
Wisconsin	Department of Veterans Affairs	030
Wyoming	Veterans Commission	869

I.i.2.C.3.g. State Organization POA Codes Listed Numerically

The table below lists the POA codes for State organizations numerically.

POA Code	State	State Organization Name
E5L	Indiana	Department of Veterans Affairs
002	Maine	Veterans' Services
004	Rhode Island	Division of Veterans Affairs
005	Vermont	Veterans Affairs Section, Military Department
006	New York	Division of Veterans' Affairs
008	Connecticut	Department of Veterans' Affairs
009	New Jersey	Department of Military and Veterans' Affairs
010	Pennsylvania	Department of Military and Veterans Affairs
013	Maryland	Department of Veterans Affairs
014	Virginia	Department of Veterans Services
015	West Virginia	Department of Veterans Assistance
016	Georgia	Department of

		Veterans Service
017	Florida	Department of Veterans Affairs
018	North Carolina	Department of Military & Veterans Affairs
019	South Carolina	Division of Veterans Affairs
020	Tennessee	Department of Veterans Services
021	Louisiana	Department of Veterans Affairs
022	Alabama	Department of Veterans Affairs
023	Mississippi	Veterans Affairs Board
025	Ohio	Department of Veterans Services
027	Kentucky	Center for Veterans Affairs
028	Illinois	Department of Veterans Affairs
030	Wisconsin	Department of Veterans Affairs
031	Missouri	Veterans Commission
032	Virgin Islands	Office of Veterans Affairs
033	Iowa	Department of Veterans Affairs
034	Nebraska	Department of Veterans Affairs
035	Minnesota	Department of Veterans Affairs
036	Montana	Veterans Affairs Division
037	North Dakota	Department of Veterans Affairs
038	South Dakota	Department of Veterans Affairs
039	Colorado	Division of Veterans Affairs
040	New Mexico	Veterans' Service Commission
041	Utah	Office of Veterans Affairs
044	California	Department of Veterans Affairs
045	Arizona	Department of Veterans’ Services
046	Washington	Department of Veterans Affairs
047	Idaho	Division of Veterans Services
048	Oregon	Department of Veterans Affairs
049	Texas	Veterans Commission
050	Arkansas	Department of Veterans Affairs
051	Oklahoma	Department of

		Veterans Affairs
052	Kansas	Commission on Veterans Affairs
053	Northern Mariana Islands	Veterans Affairs Office
054	Nevada	Department of Veterans Services
055	Puerto Rico	Public Advocate for Veterans Affairs
056	Guam	Office of Veterans Affairs
059	Hawaii	Office of Veterans Services
060	Delaware	Commission of Veterans Affairs
067	American Samoa	Veterans Affairs Office
073	New Hampshire	Division of Veteran Services
4R3	Massachusetts	Executive Office of Veterans Services
869	Wyoming	Veterans Commission
8FE	Michigan	Veterans Affairs Agency

From <https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000181477/M21-1-Part-I-Subpart-i-Chapter-2-Section-C-System-Updates-for-Power-of-Attorney-POA-Appointments>

M21-1, Part I, Subpart i, Chapter 3 - Other Information Disclosures

Article ID: 554400000181479
Updated May 06, 2024
Topics
M21-1 Adjudication Procedures Manual >
Part 01 (Part I). Claimants' Rights and Claims Processing Centers and Programs >
Subpart i. Claimants' Rights and Responsibilities >
Chapter 03. Other Information Disclosures

<-- Previous Section Next Section -->

Overview

In This Chapter	This chapter contains the topic "**Processing Third Party Information Requests**."

1. Processing Third Party Information Requests

Introduction	This topic contains information on processing third party information requests, including • **when to make a disclosure of information outside of the Department of Veterans Affairs (VA** • **use of *VA Form 21-0845, Authorization to Disclose Personal Information to a Third Party*** • ***VA Form 21-0845* required criteria checklist**, and • **updating systems for third party disclosure**.
Change Date	October 4, 2023
I.i.3.1.a. When to Make a Disclosure of Information Outside of the VA	Disclosure of information outside of the Department of Veterans Affairs (VA) may be made only as permitted by **38 U.S.C. 5701** and *Public Law 93-579, Privacy Act of 1974*. Disclosure of information to other Federal agencies is governed by **38 CFR 1.500-1.584**.
I.i.3.1.b. Use of VA Form 21-0845	***VA Form 21-0845, Authorization to Disclose Personal Information to a Third Party***, allows the National Call Centers and regional offices to release specified information normally protected under privacy provisions to family members or other designated persons who are not powers of attorney, agents, or fiduciaries. ***Note***: A claimant may only designate one person or one organization on the form. If the claimant designates an organization, one or more individuals within that organization must also be identified on the form. In addition, only one form may be valid at a time.
I.i.3.1.c. VA Form 21-0845 Required	To be valid, the ***VA Form 21-0845*** must contain or meet the following criteria to be considered substantially complete: • the signature of the individual who is authorizing release of

Criteria Checklist

information (Veteran, claimant, or beneficiary) and the date the form is signed
- the name and claims folder number of the Veteran/claimant
- contact information of the individual who is authorizing release of information, if that individual is not the Veteran
- the type of information authorized for release
- the length of time authorization is valid, if applicable
- a security question and answer
- the form date stamped by VA
- the form designates only one person or organization, and
- if the individual whose information is being released has a court-ordered or VA-appointed fiduciary, the signature of the fiduciary.

Important:
- For the purposes of this block, the term "Veteran" refers to the individual
- with an established VA claims folder, and
- upon whose service VA benefits have been established or requested.
- The April 2020 version of the form incorrectly labels the signature block requirement as the *Veteran Signature*, rather than the appropriate *Signature* designation.
- The signature cannot be someone other than the individual who is authorizing release of information, except in cases where the individual is incompetent. When the individual is found incompetent, the ***VA Form 21-0845*** must be signed by the court-ordered or VA-appointed fiduciary.
- If an organization is appointed, the form must also identify the individual(s) within that organization to whom information can be discussed, as indicated in **M21-1, Part I, Subpart i, 3.1.b**.

Note: If the form does not contain substantially complete information required to authorize access
- return it with a letter explaining
- the reason for the return, and
- the block(s) that must be completed, and
- add a Veterans Benefits Management System (VBMS) note stating *VA Form 21-0845 returned on MM/DD/YY for completion*.

I.i.3.1.d. Updating Systems for Third Party Disclosure

Once the ***VA Form 21-0845*** is deemed acceptable, follow the steps in the table below to update systems for third party information disclosure.

Step	Action
1	Access the VETERAN PROFILE screen in VBMS.
2	• Expand the FLASHES section, and • select the EDIT button.
3	Verify that *Third Party Release* flash is not shown in the FLASH table. ***Note***: If the flash is already present • select the CANCEL button, and • go no further.
4	• Enter the following text in the FLASH NAME field: *Third Party Release* • select the ADD button, and • select the SAVE button.
5	Add the following VBMS note: *VA Form 21-0845, Authorization to Disclose Personal Information to a Third Party, received and of record in favor of:*

	[**insert the person or organization named in Block 10**]. If the claimant selected a limited time frame for the authorization, also note *VA Form 21-0845 expires on* [**MM/DD/YYYY**].
6	• Upload the ***VA Form 21-0845*** into the claimant's electronic claims folder, and • following confirmation of a successful upload, shred ***VA Form 21-0845***.

Reference: For more information on Centralized Mail intake procedures, see **M21-1, Part II, Subpart i, 1.A**.

From <https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000181479/M21-1-Part-I-Subpart-i-Chapter-3-Other-Information-Disclosures>