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# Introduction

**Target Audience:** AAFCs, AAFC Management, Authorization Quality Review Specialists (AQRS), Quality Review Team Management, and Support Services Division (SSD) personnel

**Presenter:** Rachel Jones, Assistant Director, OAR Program Administration and Sarah Haddock, Director Office of Financial Management (OFM) Finance Management Business Solutions

**References:** [Veterans Benefits Administration (VBA) Organizational Chart](https://vbaw.vba.va.gov/USB/docs/VBAOrgChart.pdf)

The Office of Administrative Review (OAR) was established in 2017 in coordination with the Appeals Modernization Act (AMA) and reports to the Office of Policy and Oversight (OPO). On June 1, 2022, VBA realigned oversight of the Agent/Attorney Fee Program exclusively under OAR, with the OAR Executive Director, Timothy Sirhal, serving as the single accountable official within VBA. This realignment includes oversight of policy, procedures, training, quality assurance, and customer service. This does not impact or include any changes to operational oversight or workload alignment within the regional offices.

As part of the programmatic oversight, OAR wanted to engage the field and identify AAFCs as vital internal stakeholders. OAR is hosting this call to share information on agent and attorney fee topics in a consistent manner. The OAR Program Administration staff will facilitate each call to provide information regarding manual and system updates, address issues related to agent and attorney fee processing, and promote field engagement. OFM will co-host the joint calls to ensure that issues impacting both AAFCs and SSD personnel are presented in a consistent manner.

OFM reports to the Chief of Staff and is comprised of many staffs. The Finance Management Business Solutions staff includes the Fiscal Systems staff which is responsible for eMPWR and the Finance Service staff is responsible for SSD policies and procedures. OPO, in coordination with OAR and OFM, created an Integrated Project Team (IPT) to analyze, streamline and improve the attorney fee process to increase efficiencies with improved customer service. Specifically, the IPT considered systems enhancements (e.g., automation, streamlined system processes), policies, procedures and workload alignment.

# National AAFC Call Format

**Target Audience:** AAFCs, AAFC Management, Authorization Quality Review Specialists (AQRS), Quality Review Team Management, and Support Services Division (SSD) personnel

**Presenter:** Ambria Davis, Program Analyst, OAR Program Administration

The intended audience for this call is AAFCs (divisions represented include Veterans Service Centers (VSC), Decision Review Operations Centers (DROCs), Benefit Eligibility Support Team (BEST), and Pension Management Centers (PMC)), AAFC Management, Authorization Quality Review Specialists (AQRS), Quality Review Team Management, and Support Services Division (SSD) personnel (joint calls only). The joint calls which include SSD personnel are scheduled for November 2022, December 2022, February 2023, May 2023, and August 2023.

The call will consist of a formal presentation, which will provide information relating to new manual updates, policy and procedural guidance, reinforce training materials, address error trends, and review case studies. There will also be a question-and-answer session to address questions based on the presented topics. At the end of the call, there will be a “Tell Me More” segment for participants to provide feedback on agent and attorney fee processing. Topics may include manual guidance (M21-5 and Financial Manual), system enhancements, resource enhancements (calculators, memorandums, etc.), and general feedback.

# Review of Training Courses

**Target Audience:** AAFCs, AAFC Management, Authorization Quality Review Specialists (AQRS), Quality Review Team Management, and Support Services Division (SSD) personnel

**Presenter:** Suzi Ribish, Management and Program Analyst, OAR Program Administration

The following agent and attorney fee courses are available in Talent Management System (TMS):

* Overview of Agent Attorney Fee Awards and eMPWR Functionality (VA 4629273)
* Automated Agent and Attorney Processing Overview (VA 4632973)
* Agent and Attorney Fee Overview (VA 4633627)
* Releasing Agent and Attorney Fees (VA 4635197)
* Calculating Agent and Attorney Fees (VA 4635201)

The following courses will be released by the end of the fiscal year:

* Validity of Agent and Attorney Fee Agreements
* Agent and Attorney Fee Notification Requirements
* Failure to Withhold Agent and Attorney Fees
* Processing Agent and Attorney Fees with Proposal of Incompetency
* Historical Processing Agent and Attorney Fees with Proposal of Incompetency
* Appeals and Reasonableness Reviews

# Mandatory Fields on Memo to Release

**Target Audience:** AAFCs, AAFC Management, Authorization Quality Review Specialists (AQRS), Quality Review Team Management, and Support Services Division (SSD) personnel

**Presenter:** Ambria Davis, Management and Program Analyst, OAR Program Administration and Horace Chung, Systems and Procedures Analyst, OFM

**References:**

* [Fee Release Memorandum](https://vbaw.vba.va.gov/OAR/docs/Fee_Release_Memorandum_Final092822.pdf)
* [M21-5, 8.B.4.e-f](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000205497/M21-5-Chapter-8-Section-B-Processing-a-Case-Seeking-Direct-Payment-of-Fees#4)
* [M21-5, 8.B.4.h](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000205497/M21-5-Chapter-8-Section-B-Processing-a-Case-Seeking-Direct-Payment-of-Fees#4)
* Agent and Attorney Fee Overview (VA 4633627)

OAR standardized the Fee Release Memorandum which must be prepared by and digitally signed by the AAFC and sent to Finance. All fields must be completed prior to sending to Finance; Finance will not release funds without a completed and signed memorandum. The Financial Administrative Specialist (FAS) will return a memorandum that is incomplete.

# VBMS-A Deduction Limit

**Target Audience:** AAFCs, AAFC Management, Authorization Quality Review Specialists (AQRS), Quality Review Team Management, and Support Services Division (SSD) personnel

**Presenter:** Ambria Davis, Management and Program Analyst, OAR Program Administration and Horace Chung, Systems and Procedures Analyst, OFM

**References:**

* [Attorney Fee Frequently Asked Questions (#32)](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/customer/locale/en-US/portal/554400000001057/content/554400000202769/Attorney-Fee-Frequently-Asked-Questions#Q32)

The VBMS-A deduction field will not allow entries greater than $99,999. In order to process the deduction, the AAFC must:

* send the memorandum to finance to establish 18/31J transaction
* after finance establishes the 18/31J transaction, the AAFC must return the award and re-generate prior to authorization
* send standardized Attorney Fee Release Memorandum to release funds

It is important to note that the AAFC must not make any entries in VBMS-A. Although VBMS-A is not used, funds will be available in the eMPWR accountable balance. Therefore, the standardized fee release memorandum should be used when it is time to release funds.

In order to process the deduction, the FAS must:

* confirm that the deduction in the VBMS-A amended award line is set to $0 to avoid any potential error on the 18/31J, and
* process an 18/31J transaction in eMPWR-VA for the total amount of the fee

If there are any questions, please submit an OFM FIRE “System” inquiry before processing the transaction and OFM will guide you through the process.

# Accrued Processing

**Target Audience:** AAFCs, AAFC Management, Authorization Quality Review Specialists (AQRS), Quality Review Team Management, and Support Services Division (SSD) personnel

**Presenter:** Ambria Davis, Management and Program Analyst, OAR Program Administration and Aaron Kittel, Systems and Procedures Analyst, OFM

**References:**

* [Attorney Fee Frequently Asked Questions (#8)](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/customer/locale/en-US/portal/554400000001057/content/554400000202769/Attorney-Fee-Frequently-Asked-Questions#Q32)
* [M24-1, Chapter 3](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/customer/locale/en-US/portal/554400000001057/content/554400000204941/M24-1-Chapter-03-All-Programs-Part-06-Attorney-Fee-NEW-PROCEDURES?query=attorney%20fee)
* [Office of Financial Management Desktop Reference: Attorney Fee Withholding in eMPWR (18/31J)](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/customer/locale/en-US/portal/554400000001057/content/554400000204941/M24-1-Chapter-03-All-Programs-Part-06-Attorney-Fee-NEW-PROCEDURES?query=attorney%20fee)

FAS must complete the following steps to process an accrued award paying the surviving spouse (payee 10) for a deceased Veteran (payee 00):

* launch eMPWR
* search for the Veteran’s file number
* click Process Fiscal Transaction
* ensure you have highlighted a line for payee 00 (despite the spouse being the claimant)
* select Establish Recurring Deduction (18), then click Next
* complete the fields as necessary:
	+ Recoup From: Ensure you select the program from which the Attorney Fee is to be deducted
	+ Deduction Type: Attorney Fees (31J)
	+ Effective Date: Allow to default to today's date
	+ End Date: As appropriate, but note that the award will need to be authorized prior to this date
	+ Original Amount: The calculated amount of the Attorney Fee
	+ Notes: Any relevant notes (optional, but highly recommended)
* click Submit – The Attorney Fee Withholding transaction is now ready for authorization by the senior FAS
* have the 31J transaction authorized by the senior FAS
* inform the relevant VSR/VCE that they Attorney Fee Withholding is in place and the award should be returned and regenerated prior to authorization

The AAFC must ensure the following:

* 18/31J withholding must be in place before the accrued award is generated
* if the 18/31J is completed by finance after the award is generated, then return the award and re-generate prior to authorization
* correct establishment of EP 165
* surviving spouse is receiving accrued award – EP 165 CPD payee 00
* the award must be authorized in VBMS-A (not C&P Awards)
* the deduction is displayed in the VBMS-A prior to authorization

It is important to remember that an accrued award belongs to the deceased beneficiary regardless of who will be the recipient of the payment. For example, if a pending accrued award for a deceased Veteran will pay that benefit to the surviving spouse, the award will be for payee 00 so the 31J withholding must be processed for payee 00 as well. The retroactive award must be authorized in VBMS-A (not C&P Awards).

The AAFC will be able to see the Attorney Fee Withholding reflected in VBMS-A on the decisions screen and on the award print if the withholding was done properly. If the AAFC does not see the deduction in VBMS-A, then the AAFC must stop processing the award and send an email to:

* VAVBAWAS/CO/AFC <AFC.VBACO@va.gov> and
* VAVBAWAS/CO/FISCAL SYSTEMS <FiscalSystems.VBAVACO@va.gov>

The AAFC must also contact the FAS to input an OFM FIRE “System” inquiry and OFM will troubleshoot and provide instructions for completion of the case.

# Questions and Answers

The OAR Program Administration staff will provide an addendum to this bulletin to address all questions that arose during the November 2022 National AAFC Call.