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# Agent/Attorney Fee System Enhancements

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

**Presenter:** Michael Palmer, Senior Management and Program Analyst, Office of Production Optimization

The following system enhancements are expected to be delivered within fiscal year 2023:

* Capability to Calculate the Attorney Fee Offset within VBMS Awards
	+ Building an Attorney Fee calculator into VBMS will leverage VBMS-Awards to auto-populate data existing on Corporate and then use the computational power of Awards to determine the correct offset amount. This will substantially increase the efficiency of the attorney fee process.
* Capability to Trigger Adding the Attorney Fee Flash whenever an Agent Fee Agreement is Received
	+ Triggering the Attorney Fee flash when a fee agreement is received will be a more effective method of identifying when a user needs to determine if a case has attorney fee implications. This will also help to reduce rework by ensuring the claim is routed to a qualified attorney fee coordinator, and the attorney fee withholding is factored in when the claim is authorized.
* Capability to Generate the Summary of the Case Letter out of VBMS-Awards
	+ Auto-generating the SOC out of VBMS-Awards will improve timeliness by using automated rule sets to populate correct language and accuracy using standardized language.
* Capability to Support an Attorney Fee Deduction for Accrued Claims
	+ Adding the attorney fee amount to the Accrued Screen in VBMS-Awards will ensure the attorney fee withholding is incorporated into the accounting of the total accrued amount and provide a more accurate financial picture.
* Capability to Preserve Certain EPs During FNOD to Support Attorney Fee Processing
	+ Preserving all EPs in Rating Decision Complete (RDC) or Ready to Work (RTW) status that have an associated attorney will prevent significant rework and ensure the attorney is paid the proper fee.
* Capability to Remove Attorney Fee Flashes upon First Notice of Death (FNOD)
	+ Removing the Attorney Fee flash when an FNOD is activated will allow any subsequent death claims to be processed in the Pension Automation engine. The use of automation promotes efficiency and streamlines delivery of benefits to those most in need.
* Capability to Share POA Information with eMPWR System
	+ Sharing POA information with eMPWR will ensure Finance is aware of the identity of the POA so they send the funds to the correct entity.
* Capability to Display Attorney Fee Offset in VBMS-Awards eDoc
	+ Including the attorney fee offset on the Awards eDoc will ensure that data is captured for historical and audit purposes.

The Office of Information Technology (OIT) has determined that with the sunset of the Internet Explorer browser, the ability to populate the recipient's name and address in Letter Creator letters will no longer be available. However, the Letter Creator application can still be used in Edge and Chrome. Users are required to manually enter the name and address; however, all the other letter content functionality is still available.

The Letter Creator application is located on the Compensation Service [Job Aids Home Page](https://vbaw.vba.va.gov/bl/21/rating/rat00.htm) under the tools section.

All agent/attorney fee letters will be transferred to VBMS. Additionally, the control of the updates will transition from OIT to the business lines to increase efficiency. The following letters are currently available in the VBMS Letters User Interface (UI):

* Invalid Fee Agreement
* Debt to Veteran for Failure to Withhold Attorney Fees
* Fee Recoupment Procedures – Final Notice
* Attorney Revocation
* No Exclusive Contact

 The following letters are currently available in the Letter Creator application:

* Summary of the Case
* Attorney Not Acknowledged

# Question and Answer – Agent/Attorney Fee System Enhancements

**1. Is there going to be a free-text feature for the Summary of the Case letters in VBMS-A**?

There is currently one free text field planned for the summary of the case letter in VBMS-A, and we are looking into the possibility of adding a second.

**2. Is there a fix for the Invalid Fee Agreement letter in Letters User Interface (UI) to manipulate or bold the issue at hand, ie. file number section, or fee greater than 20% area, etc.? Right now, it does not allow for editing and users must save the letter manually and edit and upload separately.**

Office of Administrative Review (OAR) and Office of Production Optimization (ProdOps) are working to modify the Invalid Fee Agreement letter in Letters UI to improve communication with the claimant as well as allow for more user-friendly options for the AAFC. One of the modifications will allow the user to select the law/regulation(s) that their specific invalid determination is based on.

**3. Are the letters in VBMS and Letters UI going to be highly editable instead of only being able to add a paragraph? Currently the text of pre-built letters cannot be edited. The pre-built letters are not always suitable to every situation. An example is the attorney revocation letter: a canned paragraph states we no longer show you have appointed another representative. This is often not true because frequently the revocation of one representative is the result of appointing a new representative.**

OAR strives to improve the agent/attorney fee process, to include communication to the claimant, in any way possible. The letters in letters UI are being reviewed to identify areas of improvement. Users are encouraged to communicate scenarios that frequently occur where the current letters are insufficient to OAR for review.

**4. Is there an actual release date set for the Summary of the Case Fee Decision Letters in VBMS-A?**

The estimated delivery date is April 2023; however, this date may change.

# Audit Error Worksheets

**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, Office of Administrative Review

**References:**

* [M24-1 Chapter 03 All Programs Part 06 Attorney Fee (NEW PROCEDURES) Section 6.01(e)](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#_Toc108102213)
* [eMPWR Job Aids](https://empwr.va.gov/help/)
* [Interim Procedures for AEWs on Agent/Attorney Fee Cases](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000126665/M21-5%2C%20Appeals%20and%20Reviews%2C%20Resources)
* [M24-1 Chapter 03 All Programs Part 06 Attorney Fee (NEW PROCEDURES) Section 6.01 (j)](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)
* [M21-5 8.B.6.e.  Recovery of Fees Paid by VA In the Absence of a Non-Recurrent Payment to the Claimant Because of Offset/ Reduction](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)

The following list describes the most common transactions utilized by SSD personnel to process agent and attorney fees:

* 06J1
	+ The purpose of the Release Award Offset Balance – One Time Payment (06J1) transaction is to release an offset award to a vendor with a one-time payment. Although this transaction can be processed for a Vendor or a Participant, it is more common to process 06J1 transactions for a Vendor.
	+ SSD utilizes this transaction when funds are available in the eMPWR accountable balance, and those funds originated from a VBMS-A award with a positive net effect. The 06J1 can be used to pay the agent/attorney or to return funds to the claimant.
* 06J3
	+ The purpose of the Release Award Offset Balance – Return Funds to Appropriation (06J3) transaction is to return an offset award back to the originating appropriation.
	+ SSD utilizes this transaction when funds are available in the eMPWR accountable balance, and those funds originated from a VBMS-A award with a positive net effect. The 06J3 is used to send the assessment fee collected by VA for processing fees to the appropriate fund.
* 06A
	+ The purpose of a one-time payment (06A) transaction is to process a payment request on behalf of a beneficiary external to the award process.
	+ SSD utilizes this transaction to pay agent/attorney and the assessment fee from funds external to VBMS-A.
* 06B
	+ The purpose of this transaction is to issue a payment while simultaneously establishing a receivable record that will be collected from future benefit payments.
	+ SSD utilizes this transaction to create a debt on the claimant and simultaneously pays the agent/attorney fee.

If the audit error worksheet (AEW) is generated after the fees have been released, then following example explains the necessary steps to take:

1. AAFC determine fees are due from rating decision dated June 1, 2022.
2. The award net effect prior to military retired pay (MRP) withholding was $100,000.
3. The award net effect was reduced to $0.00 based on the MRP withholding.
4. After the 65 days, the AAFC instructs finance to pay the fee via 06A transaction.
5. The release of all benefits previously withheld was approved when the AEW generated on September 2, 2022.
6. Prior to authorization of the AEW award, the AAFC sends finance a memo to request a collective receivable be established (via an 04E transaction in FAS). The 04E amount is equal to the fee amount paid using the 06A.
7. Upon authorization of the AEW award, $20,000 is returned to VA Funds and the remaining $80,000 is sent to the claimant.

In summary, Benefit Eligibility Support Team (BEST) division AAFC processing the AEW after the release of fees will recoup the fees previously paid using VA funds (06A transaction) by requesting SSD establish a collectible receivable (04E transaction) prior to authorization of the AEW award. AAFCs should continue to follow the guidance published in [Interim Procedures for AEWs on Agent/Attorney Fee Cases](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000126665/M21-5%2C%20Appeals%20and%20Reviews%2C%20Resources).

In accordance with [M21-5, 8.B.6.e](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), when VA pays fees to an agent or attorney based on an award that did not result in a non-recurring payment to the claimant, VA cannot recover the fees by creating a debt against future benefits paid to the claimant. However, VA may recoup the agent/attorney fees previously paid in such circumstances by reducing the retroactive payment from a subsequent award of benefits to the claimant if that award covers the same past-due benefits period as the prior award for which agent/attorney fees were paid. A debt must be established against the Veteran if the attorney was paid via an 06A transaction and an 04E transaction was not established against the downstream AEW award. The AAFC must ensure the AEW released the withholdings from the same period that was previously withheld.

If the audit error worksheet (AEW) is generated prior to the release of fees, then following example explains the necessary steps to take:

1. AAFC determine fees are due from rating decision dated June 1, 2022.
2. The award net effect prior to military retired pay (MRP) withholding was $100,000.
3. The award net effect was reduced to $0.00 based on the MRP withholding.
4. The AEW generated on July 10, 2022, and approved the release of all benefits previously withheld. The AEW award net effect is $100,000.
5. Prior to authorization of the AEW award, the AAFC will input the fee due ($20,000) from the June 1, 2022, rating decision in the VBMS-A deduction field.
6. Upon authorization of the AEW award $20,000 is sent to the eMPWR accountable balance and the remaining $80,000 is sent to the claimant.
7. After the 65 days, the AAFC instructs finance to pay the fee via 06J1 and 06J3 transactions.

In summary, the BEST division AAFC processing the AEW prior to the release of fees will make funds available for the payment of fees by inputting the fee amount into the VBMS-A deduction field. This action will transfer funds to the eMPWR accountable balance. The original AAFC will instruct SSD to utilize the funds available in the accountable balance, via 06J1 and 06J3 transactions, for the payment of fees. The original AAFC will not follow the instructions reflected on the original *Agent/Attorney Fee Calculator* instructing the use of the 06A. The original AAFC may complete the same calculator and replace the “Net Effect of Award as of Generation” field with the net effect reflected on the AEW award. Making that change will update the memo to release instructions provided at the bottom of the calculator.

# Question and Answer – Audit Error Worksheets

**1. If a complete/partial *Rosinski* claim fee is granted (requiring an 06A) and a downstream AEW is received within the 65-day appeal period, should processing the AEW be deferred until the 06A is completed?**

If the AEW is generated prior to the end of the fee decision appeal period, the AAFC promulgating the AEW award will input the fee amount into VBMS-A. Upon authorization the funds for the fee will be transferred to the eMPWR accountable balance. The original AAFC will instruct finance to pay the fee using the funds now available in the accountable balance (via 06J1/06J3 transactions) instead of using the 06A.

**2. Are the AEW instructions going to be published?**

Please refer to the [Interim Procedures for AEWs on Agent/Attorney Fee Cases](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000126665/M21-5%2C%20Appeals%20and%20Reviews%2C%20Resources). These procedures outline the steps to take when the AEW generates after the AAFC pays the fee using VA Funds. Please refer to this bulletin for instruction to handle AEW that are generated prior to the payment of fees.

# Debt Creation - $5 Exception

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

**Presenter:** Horace Chung, Systems and Procedures Analyst, Office of Financial Management

**References:**

* [M24-1 Chapter 03 All Programs Part 06 Attorney Fee (NEW PROCEDURES) Section 6.01(e)](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#_Toc108102213)

Support service division personnel and AAFCs may opt not to establish a debt to correct an administrative error when the error is five dollars or less. The procedure to correct an administrative error that is five dollars or less is to deduct the erroneous amount from the assessment fee. Finance personnel will accomplish this by sending less funds to the Government Operating Expense (GOE) via 06J3 transaction and pay the correct amount to the attorney.

Example: The AAFC authorized an amended award with a $20,000 attorney fee withholding. However, the correct amount should have been $20,005. To correct the error, SSD personnel can process a $19,905 06J1 transaction to the attorney and a $95 06J3 transaction for the assessment fee (instead of the $100 assessment fee).

# Question and Answer – Debt Creation - $5 Exception

**1. Can you please clarify the assessment guidance regarding the $5.00 debt exception? If AAFCs fail to enter the assessment fee in the amount of the attorney fee withholding entered in VBMS-A are those fees waived?**

The $5.00 debt exception means that if there is an administrative error from SSD or AAFC in any part of the process when the error is $5.00 or less, VA would write the amount off and deduct the erroneous amount from the assessment fee (by sending less funds to the GOE via 06J3 and still make the attorney whole).

# Assessment Fee

**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, Office of Administrative Review

**References:**

* [M21-5 8.B.3.e.  Calculating Agent or Attorney Assessments When Making the Fee Decision](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)
* [M21-5 8.B.4.d.  Releasing Funds When an Assessment Is Required](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)

VA can deduct an assessment fee each time fees are paid under 38 CFR 14.636(h). The assessment fee is five percent of the fee not to exceed $100.00. An assessment is required each time an award action is taken on an issue under the fee agreement. However, if the past-due benefits are based on the same rating, then multiple assessment fees are not collected.

Assessment fee is not charged in the following circumstances:

* Processing a fee based on a dependency grant when the past-due benefits are based rating decision fee grant that has already collected an assessment fee,
* Notice of disagreement was received on or before June 19, 2007,
* Fees withheld are released to the claimant.

If multiple benefits are granted based on the same rating (regardless of the number of awards required to process the benefits), then the AAFC will complete one fee eligibility decision and collect one assessment fee. For example: Service connection for the cause of death is granted after initially being denied. The surviving spouse is granted dependency and indemnity compensation (DIC) and the claims processor must also grant the downstream increase in the burial award. Although two separate awards are required, the past-due benefits are based on the same rating decision and multiple assessment fees will not be collected.

# Question and Answer – Assessment Fee

**1. Please clarify the process for handling assessment fees when granting dependents or other downstream issues. For example, if we process an award withholding a fee and charge an assessment fee of $80, then later grant dependents based on this award, would an assessment fee up to (but not to exceed) $20 be charged?**

Per M21-5 8.B.4.d, only one assessment fee of up to $100 is to be charged and deducted even if fees must be paid multiple times for different transactions (e.g. dependency, AEW) if the past-due benefits are based on the same rating.

**2. How do we manipulate the calculator when a subsequent award with fees is promulgated and the AAFC has determined that the assessment fee should not be charged. Is a note on the calculator sufficient?** The AAFC may leave the "Date of NOD, HLR, or Supp Claim" field blank on the calculator if an assessment fee is not due, but the date of claim was after June 19, 2007. When the field is left blank, the "VA Assessment" field below will not populate.

# AAFC eMPWR – Read Only Access

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

**Presenter:** Lisa Troen, Authorization Quality Review Specialist, Decision Review Operations Center – DC

**References:**

* [eMPWR Tutorials](https://empwr.va.gov/help/)
* [eMPWR Access Job Aid](https://vbaw.vba.va.gov/OAR/docs/empwr-access-job-aid.pdf)
* [FAQ - How do I request access to eMPWR-A?](https://empwr.va.gov/help/)

AAFCs will be granted read only access; they will not process any transactions within eMPWR. This read only access is intended for use in verifying funds were transferred to the eMPWR accountable balance upon authorization of the award.

To request access for new/additional users, follow the steps below:

* Request eMPWR-VA roles in CSEM
* When the user is granted roles in CSEM, create a FIRE case and include the following information:
	+ User’s name as displayed in Outlook
	+ Federation ID ([click here for instructions to obtain Federation ID](https://vacommunity.secure.force.com/helpdesk/resource/1543251706000/VBA_ERP_FED_LAN_ID_INST))
	+ LAN ID
	+ Participant ID
	+ User’s email address
	+ User’s station #

To access eMPWR from the Salesforce platform:

* Link to access Salesforce: <https://va.lightning.force.com/lightning/page/home>
* Navigate to the 9 dots in top left corner
* Users need to click on “View All” (if they utilize other salesforce products)
* Click on the eMPWR icon

Once in eMPWR, the user will enter the file number which will take them to the “All Transactions” interface. Click on the “All Transactions” drop down and choose “Accountable Balances” to navigate to the Accountable Balances. By clicking on the Award Offset line, the user will be able to see the details and history to determine if their specific attorney fee deduction was successful.

# Question and Answer – AAFC eMPWR – Read Only Access

**1. Is the same information available in both eMPWR and FAS?**

Attorney Fee Award fee deduction amounts can be viewed in FAS by the AAFC. However, finance personnel are only able to process the new 06J transactions to handle these amounts in eMPWR.

**2. Are AAFCs supposed to route eMPWR view-only access requests through their Coach?**

Yes, AAFCs should follow the instructions in the View-Only eMPWR Access Job Aid and work with their supervisor to request access. Job Aid: <https://vbaw.vba.va.gov/OAR/docs/empwr-access-job-aid.pdf>

# eMPWR Cumulative Balance

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

**Presenter:** Lisa Troen, Authorization Quality Review Specialist, Decision Review Operations Center – DC

OFM and OAR have identified an issue where attorney fees that were not successfully deducted are being released after the 60 days using funds from another station. The current functionality of eMPWR combines all the attorney fee deductions into one cumulative amount that you’ll see on that award offset line.

For example, station 1 authorizes a fee deduction of $500 which for some reason does not take. Two weeks later, station 2 authorizes a fee of $1000 that is successful. 60 days pass and station 1 sends a release memo to finance to release their $500 (that did not successfully deduct from the award) without checking the system. SSD completes the request incorrectly using station 2’s funds.

OFM guidance to SSD personnel:

The Attorney Fee Award Offset balances are a cumulative total of all the award offsets ever created by award action for a particular beneficiary. Financial Administrative Specialist (FAS) should review the list of Historical Transactions for the details on the award offsets to identify the individual offsets which make up the total amount.

Note: Future enhancements will separate the award balance with a creation date equal to the award authorization date on the proceeds report, and within the Veteran’s record.

OAR guidance to AAFCs:

AAFCs will need to verify the deduction was successful at two stages:

1. Upfront - immediately after award authorization, using the read-only access in eMPWR, and
2. Backend - prior to sending the release memo to finance, using the Share payment history screen

Note: If a failure to deduct is identified, immediately begin the failure to process procedures as outlined in [M21-5 Chapter 8, Section B, Topic 6.](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#6)

Verifying a successful deduction in eMPWR:

1. Access the Accountable Balances screen in eMPWR
2. Click on the Award Offset line to navigate to the history/details page
3. Locate corresponding transactions from the day of your award authorization that should have resulted in one or more 13C transactions equaling your total attorney fee amount.
4. If the system split up the deduction into multiple 13C transactions, you will need to calculate the difference between the beginning and ending amounts from the date of your award authorization as shown in the image below:



# Question and Answer – eMPWR Cumulative Balance

**1. If there are multiple attorney fees open at one time, why are they lumped together on one report? It takes a lot of time to go back and research funds that need to be released only to find out they are not your fees.**

The eMPWR system currently combines all award offsets into one cumulative amount. Therefore, it was directed that both the FAS and AAFC must verify their specific amount deducted properly within the eMPWR system. An enhancement to eMPWR that will separate the deductions by award date is anticipated for a future release, which will allow for better identification of which transactions were successful.

# Field Engagement – Tell Me More

**1. Will there be training or a separate forum for specific based training, such as for BEST sites. There are a lot of questions when it comes to awarding attorney fees for dependency. Is there a specific BEST subject matter expert to assist with questions?**

All questions should be routed through management and/or quality to the AFC mailbox: VAVBAWAS/CO/AFC<AFC.VBACO@va.gov>. BEST AAFCs can also request specific topics to be discussed during the National Agent and Attorney Fee Coordinator Calls.

**2. We’ve had several attorney fees that did not withhold. It appears that financial actions will not process in VBMS-A on the last two business days of the month. Will this continue?**

The Office of Financial Management (OFM) is aware of the end of month failures. OFM deployed a fix in November 2022 and users should not experience any December end of month failures. AAFCs can continue processing agent/attorney fee awards during the End of Month period.

**3. With new enhancements will we stop upholding the screenshots? I'm hoping once that enhancement is done that we won't be uploading those screenshots anymore from VBSM-A?**

Yes, when the award e-doc is updated to reflect the fee amount that specific screenshot will not be required. However, users should continue to upload the “Other Adjustments” screenshot reflecting the fee deduction and the award information screens until OAR issues procedural changes. The award information screenshot should capture the entire screen to include the applicable award lines and any debts.