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# eMPWR Enhancements

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

**Presenter:** Aaron Kittel, Systems and Procedures Analyst, OFM

The Enterprise Management for Payment and Workload Reporting (eMPWR) system will be updated on April 23, 2023. Please see below for a summary of each enhancement.

**Cumulative Balance Enhancement**

Currently, when an Award Offset balance exists and another is subsequently authorized, the new amount is added to the existing balance. As of this build, this will no longer be the case. Every individual award from which an attorney fee is deducted will have this deduction established as its own individual Award Offset balance. These balances will display on reports under the authorizing station’s jurisdiction.



**End of Month Processing Update**

A known issue is being addressed where attorney fees entered in VBMS on awards authorized during the last two business days of the month (the "End of Month" period or EOM) would fail to offset the retroactive payment. This is because payments authorized during EOM are future-dated for the first business day of the following month for accounting purposes. As of this update, the attorney fees will be similarly future-dated so they offset properly.

**06J6 Functionality**

A new attorney fee transaction is being introduced: the 06J6 "Rosinski v. Wilke Transfer”. The transaction is entirely automated so will never need to be manually processed. It is named after the “Rosinski v. Wilke” court case which ruled that the VA must pay the remaining attorney fee of a beneficiary whose retroactive award amount is insufficient to pay it. When an award is authorized with an attorney fee entered either in VBMS-A or in eMPWR, and that award’s net effect is less than the attorney fee amount, the 06J6 will be triggered in an overnight batch process to establish an additional Award Offset balance for the difference. As a result, all attorney fee payments may now be released via 06J1 transactions.

# Question and Answer - eMPWR Enhancements

**1. Will we need to do two 06J1 transactions?**

Only in 'Partial Rosinski' cases - then one 06J1 will be needed for the Award Offset established from the retro withholding, and another 06J1 for the Award Offset established from the 06J6. Both may be processed the same day.

**2. Will the memo be updated to reflect the eMPWR changes?**

Yes, an updated memo will follow.

**3. There is a known issue that when a 31J is established and the associated award is authorized during the last two business days of the month, the retroactive payment will be future-dated, and the deduction will not occur.**

This is being fixed as of the install on April 23, 2023. The 31J withholding created automatically from VBMS-A will also be future-dated if authorized during the last two business days of the month.

**4. With that last two business days fix, will the system automatically put the proper date, or will it just put the day of the transaction?**

When an award is authorized during the End of Month (EOM) period with an attorney fee entered in VBMS-A, the attorney fee withholding end date will automatically be added as the 2nd business day of the following month.

# VBMS-A Automated Fee Calculator Release

**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

**References:**

* VBMS-A User Guide
* VBMS-A Automated Fee Calculator Job Aid

The Veterans Benefit Management System – Awards (VBMS-A) version 29.6 release date is April 23, 2023. The release includes an automated agent/attorney fee calculator and will remove the “Attorney Fee” reason currently located on the “Other Adjustment” tab.

AAFC use of the manual Agent/Attorney Fee Calculator is still required when utilizing the new VBMS-A Automated Fee Calculator.



All awards utilizing the “Attorney Fee” reason on the “Other Adjustment” tab must be authorized by close of business Friday, April 21, 2023. After the deployment of the 29.6 release, users must utilize the “Agent/Attorney Fee” tab within the “Award Adjustments” screen to process fee deductions. Any previous entries on the “Other Adjustment” tab should not be edited and the fee deductions on this tab will not be supported. The VBMS-A Record Decisions screen will contain a warning message if the “Attorney Fee” reason on the “Other Adjustment” existed prior to April 23, 2023.



Please refer to the VBMS-A Automated Fee Calculator Job Aid for detailed processing instructions.

Please note the “Calculate Through Date” is the date of the decision that benefits are being calculated through, it is not the following day. For example, the user will enter April 26, 2023 if fees are due based on rating decision dated April 26, 2023.

Awards involving the following functionality are exceptions to the automated fee calculator:

* Awards requiring entry of “priors”,
* Awards requiring generate award override (GAO),
* Awards with pension protected rates, and
* Awards with Cost-of-Living Adjustments that have not been implemented.

The “Calculator Override” box may be selected to input the correct fee deduction amount for exception cases listed above and other necessary scenarios. Users must complete the manual Agent/Attorney Fee Calculator and upload it to the eFolder if the “Calculator Override” box is selected. When manually filling out the fields, users must include the assessment fee in the “Agent/Attorney Fee” field. The amount in this field will be sent to the finance system to deduct the fee from the retroactive award.

If the VBMS-A attorney fee amount calculated by the system does not match your manual calculator, please complete the following steps:

* re-review all award lines and corresponding amounts to verify accuracy of the

 manual calculator

* enter an IT ticket documenting the issue
* email the AFC box::
	+ use subject line of “VBMS-A Calculator Ticket number”
	+ include the file number and IT ticket number
	+ include a screenshot of VBMS-A Agent/Attorney Fee tab
	+ attach a copy of the manual Agent/Attorney Fee Calculator
* select the Calculator Override box on the Agent/Attorney Fee tab in VBMS-A to

manually edit the Retroactive Amount for Fees, the Agent/Attorney Fee (includes the assessment fee), and the Assessment Fee Amount matching the manual calculator.

Accrued awards will not have an automated fee calculator.

Awards processing apportionments cannot utilize the VBMS-A automated fee calculator. Users must request SSD establish the fee deduction prior to the authorization of the award.

The automated fee calculator is based on the difference of changes in gross rates. Audit error worksheets (AEW) awards will not utilize the automated fee calculator. The process for AEW awards is described below.

# Question and Answer - VBMS-A Fee Calculator Release

**1. With this new update, will be required to complete the excel spreadsheets that we currently use? Will AAFC’s still be preparing the manual attorney fee calculator before they send the case to authorizer?**

Yes, the manual *Agent/Attorney Fee Calculator* is still required when utilizing the new *VBMS-A Automated Fee Calculator*. Please continue to follow all guidance outlined in the M21-5.

**2. How does this new functionality work with proposals of incompetency? How will M21-5.8.B.1.c. *Direct Payment of Fees When Incompetency is Proposed* be updated?**

The proposal of incompetency training and manual reference instructs AAFCs to make funds available for the payment of fees by utilizing the *Pending Fiduciary Withholding Calculator* and inputting the “pending appointment of fiduciary” withholding lines as directed by that calculator. After the processing steps are followed, the net effect of the award will precisely match the fee deduction amount.

The *VBMS-A Automated Fee Calculator* utilizes gross rates. Therefore, the calculator will correctly compute the amount of the fee deduction. The manual *Agent/Attorney Fee Calculator* is still required when utilizing the new *VBMS-A Automated Fee Calculator*.

Please note, the AAFC must continue to verify that the net effect of the award matches the fee deduction amount exactly. Upon authorization, the fee will be sent to the eMPWR accountable balance, and no retroactive funds will be released to the claimant.

**3. If we have two end products (EP) on the same rating decision (ex. EP 020 and EP 040) which both grant benefits; however, only the EP 040 is payable for attorney fees would have to use override to calculate fees?**

Yes, AAFCs may utilize the *VBMS-A Automated Fee Calculator* override functionality to correctly enter the fee amount that is due from the qualifying decision.

 **4. Do we still need to upload SHARE screen and copy of fee deduction tab?**

Although the historical information is included on the award print, that functionality continues to be improved. Please continue to follow all guidance outlined in the M21-5. The manual will be updated to reflect the removal of any processing steps that are no longer required.

**5. What date is used in "Calculate Through Date" when you use calculate the override? Is it the day after that you are required to use in the calculator or the date of the award?**

The “Calculate Through Date” is the date of the decision that benefits are being calculated through, it is not the following day. For example, the user will enter April 26, 2023, if fees are due based on rating decision dated April 26, 2023. This is the same for the regular calculation and the override function.

AAFCs will continue to enter the dates as previously instructed for the manual *Agent/Attorney Fee Calculator* (the day after the decision).

 **6. If there are any awards that has not been authorized in a queue after the 29.6 install, should the pending awards be returned, regenerated, and apply new withholding method in VBMS-A?**

Yes, any award utilizing the “Attorney Fee” reason on the “Other Adjustment” tab not authorized by April 21, 2023 must be returned and re-generated using the new “Agent/Attorney Fee” tab within VBMS-A. Prior “Attorney Fee” entries should not be edited going forward. The fee deduction from the “Other Adjustment” tab WILL NOT trigger a fee deduction from the retroactive award after the VBMS 29.6 Release.

# Audit Error Worksheet Processing Update

**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

 **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)
* [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 December 2022 National Agent and Attorney fee call clarified AAFC audit error worksheet (AEW) processing based on when the AEW was generated in relation to the payment of fees. If the AEW was generated prior to the release of fees, then the fee deduction was entered while processing the AEW award to transfer funds to the accountable balance. If the AEW was generated after the release of fees, then the AAFC processing the AEW award established a collectible receivable (04E transaction) prior to the authorization.

Due to further finance system updates and promotion of consistent processing, all Benefit Eligibility Support Team (BEST) AAFCs processing AEWs that involve fees must establish a collectible receivable (04E transaction) prior to the authorization of the AEW award.

The BEST AAFC processing AEWs must take the following steps:

1. Determine if fees were paid or will be paid using VA funds based on the past-due benefits being released,
2. Establish a collectible receivable (04E) by sending a memo to SSD and confirm the 04E was established prior to authorization of the AEW award, and
3. Send the AEW notification letter with the appropriate additional language.

The AAFC processing the first award that granted and withheld benefits (ex. award processing a higher-level review grant with military retired pay withholdings) must send the “All requirements met, calculation with offset” agent/attorney fee eligibility decision explaining the amount of VA funds that will be used to pay the fee. BEST division AAFCs do not issue a subsequent agent/attorney fee eligibility decision (summary of the case) as the decision to grant fees has already been issued.

BEST AAFCs should locate the award that entered the withholdings matching the AEW and review the documents surrounding the award/decision. The agent/attorney fee decision (summary of the case), calculators, fiscal prints, and other documents will inform the BEST AAFC if fees were granted based on the withholdings being released in the AEW.

BEST AAFCs will determine the amount of the collectible receivable (04E) by analyzing the net effect of the award that granted and withheld benefits (ex. award processing a higher-level review grant with military retired pay withholdings) and the fee deduction. The collectible receivable established (04E) will send the funds directly to appropriations (VA funds). See the chart below for examples.

|  |  |  |
| --- | --- | --- |
| Net Effect  | Fee Deduction | 04E Deduction |
| $0 | $15,000 | $15,000 |
| $5,000 | $15,000 | $10,000 |
| $30,000 | $15,000 | $0  |

# Question and Answer – Audit Error Worksheet Processing Update

**1. Will the 04E transaction need to be requested from SSD with the new 06J6 when a AEW is generated or will that no longer be needed in reference to M21-5 8.B.6.e.?**

A collectible receivable (04E transaction) must be processed while processing all fee related AEW awards regardless of the AEW being generated before or after the payment of fees. This method will continue to be followed when the 06J6 functionality is released. Establishing the collectible receivable will send the funds directly back to appropriations (VA funds) and avoid duplication of funds (06J6 and AEW funds) within the eMPWR accountable balance.

**2. Is there a rule for which SSD office the 04E requests should be sent to for AEWs?**

The AAFC processing the AEW award must send the request to their local SSD.

**3. How is the attorney fee collected from the Veteran when the retro award amount is $0.00 due to military retired pay withholding, but Veteran is rated less than 50% so there will not be an AEW?**

Per M21-5 8.B.6.e, 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 *(recurring)* 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. For example, an AEW releases all prior withheld benefits.

Based on the scenario outlined in the question, the retroactive benefits would remain withheld in the award system indefinitely because the Veteran is not entitled to concurrent receipt. VA funds were used to pay the fee because all of the retroactive benefits are being withheld within the award system. If those funds are never released from the award system, no further action would be required for the payment of fees from VA funds.

# Award Document Update – Fee Deduction

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

**Presenter:** Lisa Troen, Management and Program Analyst, OAR

The April 23rd coordinated install will deploy the functionality to display the agent/attorney fee information on the award print that is uploaded to the eFolder. The award print will display both current (new/applicable to this award) and historical attorney fee deductions that were performed in VBMS-A.

This functionality will remove the requirement for AAFC’s to upload a screenshot of the VBMS-A deduction screen in Stage 3 in M21-5, 8.B.1.a.  Please continue to follow the manual guidance until formally updated.

The information displayed on the award print will not show whether the *VBMS-A Automated Fee Calculator* override functionality was used. Currently, this information can only be accessed within VBMS-A on the “Agent/Attorney Fee” tab.

A great advantage of having this information easily accessible on the award print is during the release stage of the agent/attorney fee process.  AAFC’s will be able to easily contrast the data from the award print with what is shown in the accountable balance in eMPWR to determine if their funds are available.

# VBMS Flash – Fee Agreement

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

**Presenter:** Lisa Troen, Management and Program Analyst, OAR

In March’s 29.5 VBMS release, two new attorney fee items were released.

The first enhancement allows for the “Potential Attorney Fee” corporate flash to automatically add to the Veteran’s record anytime an “Agent Fee Agreement” document type is submitted. The presence of the "Potential Attorney Fee" corporate flash and its’ corresponding banners are then able to assist in routing to an AAFC for review of the fee agreement.

The second corresponding enhancement is two distinct warning banners to be displayed in VBMS Core and VBMS Awards anytime either the “potential attorney fee” corporate flash or the “private attorney – fees payable” corporate flash are present. This will allow for better identification of these cases and awareness in terms of routing and user responsibility.

# Coming Soon

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

**Presenter:** Lisa Troen, Management and Program Analyst, OAR

OAR is currently finalizing several manual updates that will coincide with corresponding national training courses.

One of the larger systems projects that is set to deploy end of May is the ability to create the summary of the case/agent/attorney fee decision eligibility letter within VBMS-A. As a reminder, while the ability to create this letter will be in VBMS-A, it is still an agent/attorney fee decision and is required to be done by an experienced and trained agent attorney fee coordinator.

Lastly, coinciding with this new VBMS-A attorney fee decision functionality will be a new requirement to include the OGC Fact Sheet on “How to Challenge a Fee” with all fee decision notices.