



Below are the questions received on Attorney Fees with the answers. The questions are from both August Office Hour sessions, including questions in the chat as well as any that were asked during the session, and questions asked through other means (e.g., email, text, etc.). If a question was asked multiple times or in different ways, it was only recorded once here.

OPS: Operational questions


FSD: System questions

#	Category	Questions	Answers
1.	OPS	Will SSD be doing the initial deduction from the veteran's benefits?	<p>Correct, the initial deduction is entered upfront on the VBMS award by VSRs, except for the accrued award, month of death, and burial award discussed in the M24-1, Chapter 3, part 06, Appendix A, and the workaround on VBMS-A "No Data Found" error. (See advisory attached below.)</p>  <p>eMPOWER-VA System Advisory_ 04E Workar</p>
2.	OPS	Also, does that mean we would only be receiving one new memo format when the funds are ready to be released to the attorney or veteran?	<p>Yes, the AAFC will send a memo in this new format to Finance when funds are ready to be released. (See attached for the standardized memo.)</p>  <p>Agent Attorney Fee Memorandum (FINAL</p>
3.	OPS	How will EFT information be reflected on the memo? How will VSC know what the EFT information is to put it on the memo?	<p>SSD personnel who process attorney fees will have access to a SharePoint Site https://dvagov.sharepoint.com/sites/VBAORMFiscalSystems241D/AttorneyFeeVendor/SharedDocuments/Forms/AllItems.aspx with attorney direct deposit information. For access to the SharePoint site, please contact your SSD Chief.</p>
4.	FSD	Is the Notes field required for 06J1 transaction?	<p>Yes. Transaction note is required for all 06 payments, including the 06J1 and 06J3.</p>
5.	FSD	Can two transactions be processed for the same veteran on the same day?	<p>You can process an 06J1 to disburse to the attorney or claimant and 06J3 to send the assessment fee back to appropriation both on the same day. However, you are not allowed to process two separate 06J1 transactions on the same day for the same claimant.</p>
6.	OPS	Is that attorney fee form going to be the standard for everybody?	<p>Yes, except for accrued/month of death/burial memo, as these cases are handled the legacy way with the 18/31J or workaround.</p>
7.	OPS	What is an accrued award?	<p>An award that was payable but not paid at the time of the beneficiary's death. Beneficiary dependents or those taking financial responsibility for the beneficiary's burial may apply for any accrued benefits not paid at the time of death.</p>

8.	OPS	Are the Routing and Account numbers on the Memo?	They are not on the memo. They will be in the list on the SharePoint site.
9.	OPS	Is there a report we can run that will show all accountable balances by file number? Or will we need to check it for each file number before we process the 06J1?	Yes, the Unassociated/Proceeds report.
10.	OPS	When do we process the assessment fee? Right after we pay the attorney?	The assessment fee transaction can be done prior to or following the attorney fee disbursement (06J1).
11.	OPS	Fail safe for the assessment fee?	It is recommended that you process the assessment fee transaction prior to disbursing the attorney fee to make sure you do not forget to deduct the assessment fee from the disbursement.
12.	OPS	Do we process the assessment fee right after we pay the attorney before? Could we wait?	There is no prescribed order to follow, so whatever works best for your station. However, do it before you pay the attorney to make sure you don't forget.
13.	OPS	Is the VSC required to get the EFT from the attorney and putting it on the memo?	<p>It won't be on the memo. However, the attorney should be vendorized in FMS before the VSC send you the memo. SSD will have access to a list of direct deposit info for all accredited attorneys – to obtain access, contact your SSD Chief.</p> <p>If it's a new attorney, and we need to add them to the list, first, make sure they are vendorized in FMS, and then contact OFM using a FIRE ticket to have them added to the SharePoint list.</p>
14.	FSD	Is there a report we can run that will show all the accountable balances by file number?	Yes, the Proceed and Unassociated Report can be downloaded and sorted by file number.
15.	FSD	If we have two attorneys, we have to pay one at a time?	Yes, one 06J1 per day per claimant.
16.	OPS	What if the wrong account number is entered for the attorney and another attorney gets paid?	If you pay the wrong attorney, the procedure is in the M24-1, Chapter 3, part 06 , Section 6.02, paragraph I. You should set-up a station debt against the attorney in CAATS.
17.	OPS	How can we recognize an accrued award?	The VSC will send you a memo to set up the 18/31J when it is for an accrued award. There is nothing extra to do.
18.	FSD	Will we still be able to track these payments in FMS?	No, you'll see them in the Veteran's record within eMPWR, and they can be traced direct in eMPWR as well for claims of non-receipt.
19.	OPS	Is the form for when it is an accrued award a different form than this new standard form?	Yes, the memo will be in the legacy format requesting that an 18/31J transaction be processed.
20.	FSD	I know the reports are still being worked out, but can we get a step by step on how we pull the report from eMPWR that will show all the accountable balances by station?	You can access the Unassociated and Proceeds Report in eMPWR by selecting "C&P" program type, "finance operation report" for the report type and select the C&P Unassociated and Proceeds Report. Also, you can review this Delta Demo (begin at 12:20 for instructions on pulling the

			report.) https://dvagov-my.sharepoint.com/:v:/g/personal/margaret_moon_va_gov/EVy-2H-eZq5Gix--HEXKPbQBjvm98tleq4birK0-W40BYg
21.	OPS	I noticed there is a spot for the attorney TIN on the first screen, will that be utilized?	Yes, this is completed by the AAFC/VSR. However, you only need to enter the routing number and bank account information when entering the special address.
22.	FSD	Will the system let you process the \$100 transaction if the previous wasn't authorized yet?	Yes, it will. The authorizer needs to ensure the assessment fee is deducted if the AAFC's memo instructs you to do so. It is best practice to have one transaction authorized before processing the other.
23.	FSD	Is there any way to export reports as an xlsx? Or do we have to export them as a CSV then manually convert it to an xlsx?	CSV files download and open in Excel. If you need the extra functionality of making them full-fledged Excel documents, then you can just do a "save as" and change the file type there.
24.	OPS	How do we pay for Assessment Fee if the retro after MRP Withholding is not enough to cover the Assessment Fees?	Review Scenario 3.
25.	OPS	How will we know the memo is for an accrued award? Is it in the subject line?	The memo will be in the legacy format instructing you to process an 18/31J transaction.
26.	FSD	So if we have 3 attorneys to pay on the same day, we can only pay one attorney?	Yes, only one 06J1 can be processed/day per beneficiary.
27.	OPS	How does the 06A \$33,339.70 paid by the VA get recouped?	Under the Rosinsky ruling, the attorney fee is calculated pre-reduction in the gross retroactive award amount. The reduction includes military retirement pay, drill pay, severance/ separation pay, benefits payable under 38 USC 1151 after settlement of a tort claim, limits on benefit due to incarceration, survivor benefit plan payment (see M21-5.8.B.2.e) as well as any overpayment/debt. When the net amount (after all the reductions) of the retroactive award is insufficient to pay for the attorney fee, the 06A is issued from the VA benefit appropriation and will not be recouped from the claimant.
28.	OPS	How will we know the memo we received from the AFC is for an accrued award? Is it a different selection on this standardized form?	It doesn't specify on the form, but while you're going through to process the transaction, you should be able to see the award type available for selection.
29.	OPS	What if the veteran has a debt? Will that have to be considered for an 06A transaction?	Yes, an overpayment/debt is a reduction item and will be deducted from the retroactive award.

30.	OPS	If 06J3 is done first and less amount is left in 06J1 to cover the attorney fee payment, do we do another award?	If the amount left is insufficient to cover the attorney fee in the 06J1, you will have to process an 06A to cover the remaining balance. Please keep in mind that the process to issue an 06A for the assessment fee is more complicated (which will have to go through the agent cashier and an EB transaction in CAATS), it will be easier to utilize the 06J3 for the assessment fee and supplement an 06A for the attorney fee.
31.	OPS	Will the memo be standardized nationwide?	Yes.
32.	FSD	Can we process multiple payments to an attorney if it's different Veterans?	Yes. You can process multiple 06J1's per day, but only 1 06J1 transaction per veteran/file number per day.
33.	OPS	Who is responsible for inputting the participant note in eMPWR-VA once the fee has gone over the 60 days? If it is SSD, SSD would only know this it is needed from the eMPWR proceeds report, and SSD would not know what to put without first needing that guidance from the AF Coordinator.	Under the new procedures, you will have to enter the participant note once and update it as needed. See M24-1 Chapter 03 All Programs Part 06 Attorney Fee (NEW PROCEDURES) , section 6.02, paragraph k. for details.
34.	OPS	Do we split up the assessment fee between all of the attorneys we are paying?	No need to split the assessment fee.
35.	OPS	<p>How do we pay for Assessment Fee if the retro after MRP Withholding is not enough to cover the Assessment Fees?</p> <p>Retro after MRP Withholding - \$50 Retro before MRP Withholding - \$10,000 Attorney Fees - \$2,000 5% Assessment Fee - \$100</p>	You will have to issue an 06A for the assessment fee.
36.	OPS	Follow up question to previous question (ABOVE): If we have \$50 in Accountable Balance (retro after MRP W/h) and Assessment Fee is \$100, do we send \$50 (06J1) to the Attorney and do 06A to pay the Attorney and Assessment Fee?	Yes, you will have to process 2 separate 06As, one for the balance of the attorney fee and one for the assessment fee.
37.	FSD	SSD will now need to provide the two different reports to the coordinators for monthly review, right? Meaning all the outstanding balances still in FMS and now the new ones on the eMPWR proceeds report, right?	Correct.

38.	OPS	Pending incompetency cases, will all of the funds also go to the special proceeds? (Retro included?)	In a fiduciary case, we will not delay the attorney fee payment until the new fiduciary is appointed. You should process an 06B for the attorney fee and pay the attorney when you receive the instruction to release memo from the AAFC. For details, see Attorney Fee FAQs #9 .
39.	OPS	What fund does the Agent Cashier deposit into, from Office Hours Exercise 3?	VBA Suspense, 3875.
40.	OPS	What if the agent cashier receives more than just the assessment fee? Are we releasing the fees to the attorney the old way in that instance?	Under the new procedures, the agent cashier will only receive a check on an 06A assessment fee (NO checks on the 06J3). If the amount is more than the assessment fee, the check should be voided and a new 06A with the proper assessment amount should be processed. Keep in mind that the assessment fee will be transferred from the station's 3875 to VBAFC (Hines) and Hines will then transfer the funds to GOE. Don't transfer any funds that does not belong to the GOE/assessment fee to Hines. When you process the EB transaction in CAATS/ Cost/Suspense Transfer to Hines, you must enter "ATTORNEY ASSESSMENT FEE" in the description field.
41.	FSD	Regarding the system itself, once one transaction is pending, there shouldn't be another one done?	You should authorize one before processing the other.
42.	OPS	We can start paying attorneys and assessment fees in eMPWR now? And will the AAFC provide the attorney's banking information on the memo?	Yes, beginning on August 26. banking information will be available on the Vendor list along with VENDOR list with the Tax ID, FMS Vendor ID, Vendor Name, and address.
43.	OPS	So it sounds like SSD has to add the participant note in eMPWR, but SSD will not have that information until they first ask the AF Coordinator's for that information, and then the SSD staff will have to go back into each participant and add each note, and this is in addition to the notes the SSD staff provided on the EOM in CAATS for the legacy ones. Right?	Under the new procedures, you will have to enter the participant note once and update it as needed. The EOM 889B in CAATS is no longer required for the automated withholding and it is only for attorney fees that are still in your station's 6279 deposit account. See M24-1 Chapter 03 All Programs Part 06 Attorney Fee (NEW PROCEDURES) , section 6.02, paragraph k. for details.
44.	FSD	Should we start processing these transactions now?	You can begin processing on Friday, August 26 assuming you have a memo from your VSC to process.
45.	OPS	If we have old attorney fees, do we use the legacy process?	The cut off is July 10. Anything awards authorized after July 10 should use the new process.
46.	OPS/FSD	Is that memo format available for download or can it be sent out?	<p>Yes, we will share a copy, and they will be sent to the SSD from VSC/PMC, BEST, etc.</p> <div style="text-align: center;">  <p>Agent Attorney Fee Memorandum (FINAL)</p> </div>

47.	OPS/FSD	The chance for error for entering the checking info seems pretty high, will this be more automated later?	Yes, there is plans for to pre-populate this in the future. For now, there is a new SharePoint site with attorney payment information from which you can copy and paste to reduce typo errors.
48.	FSD	Should we wait for the 06J1 to be authorized before processing the 06J3?	Yes. You should always authorize a transaction before starting another one. That applies to the same accountable balance, the same as probably what you do already for proceeds. So, you should authorize one and then start the next one.
49.	FSD	What will happen if the incorrect transaction type is selected in error?	If you select PARTICIPANT, for what should be a VENDOR transaction, the Vendor transaction is specifically to be processed through the Treasury Offset Program (TOP). So, if use Participant accidentally, the payment won't go through the TOP program, and also may affect 10-99's being issued to the attorney.
50.	FSD	With eMPWR, are we going to receive an alert for a pending 31J in eMPWR (balance waiting to be disbursed)?	You will not receive an alert, so you will need to monitor the proceed report for Attorney Fee withholding balances from the award actions.
51.	OPS	Are these transactions considered one-time payments that need to be approved by the Division Chief?	Yes, any 06 transaction needs to be approved by the SSD Chief, or the acting SSD Chief when the SSD Chief is absence. See M24-1 Chapter 01 Fiscal Payment Overview , Section 2.01, paragraph d.
52.	OPS	Will the vendor information be available to us on SharePoint?	Yes. We sent out the SharePoint to your SSD Chiefs recently. So, if you don't have it, check with your Chief first. Please keep in mind that only those individuals who need it for these processes will have access. You won't be able to edit or download that document either, so you'll only be able to view it and copy and paste from it. It's a VENDOR list with the Tax ID, FMS Vendor ID, Vendor Name, address, and Banking info
53.	FSD	If an attorney fee and an SBP are done at the same time, and the retro is big enough, will the accountable balance be broken up between the 2 withholdings? Also, how do we get the SBP funds to DFAS?	Nothing is changing with 63C's (such as re: SBP deductions), and yes, the award should offset both if sufficient retro to do so.
54.	OPS	Why don't we process an 06B since the difference wouldn't be collected from the veteran with an 06A?	We do not have legal authority to recoup that difference from the Veteran.
55.	OPS	For the begin and end date, is there a reason we are not using the dates from the attorney fee audit?	There are no specific dates. If you have a local SOP of dates to use, you can use that for the dates, such as using dates from audits.

56.	OPS	What will we do with the assessment once it's received by the Agent Cashier?	Deposit into suspense (36F3875), so Accountant can transfer it to HINES in CAATS. See M24-1 Chapter 03 All Programs Part 06 Attorney Fee (NEW PROCEDURES) , section 6.02, paragraph e.4. for details.
57.	OPS	Do we deposit into FMS or IFAMS?	Deposit into FMS.
58.	OPS	What about failure to withhold attorney fee?	The 06B can be processed. Please follow the procedures in the Attorney Fee FAQ , question #2.
59.	OPS	If it is an accrued award, you must still withhold from the initial award prior to authorization. Attorney Fees will not withhold from accrued awards, correct?	Correct, you will still need to do the 18/31J transaction on accrued cases. The AAFC will provide you a memo when that is required.
60.	FSD	We have a fair number of 'failure to withhold' under the old system. Will this be a thing of the past?	With the new process, failures to withhold will become less frequent given the AFC is responsible for inputting that amount within the award transaction rather than through eMPWR.
61.	FSD	What if we need to return a fee to the veteran?	The 06J1 can be paid to either a Vendor or a Participant. So, if the decision is that the attorney is not due the fees, you can do the 06 J1 under the transaction type and pay the Veteran directly.
62.	OPS/FSD	We have a few UDN's with funds on our F856 report as well as in the accountable balance on the veteran's account in eMPWR. Where do we need to pay the attorney from? CAATS or eMPWR? Also, if we decide to pay it from eMPWR will the balance be removed from the CAATS report?	For any legacy balances you still have in CAATS – you should continue to use the legacy process. For new balances created in eMPWR on or after July 10, the new procedure will come into play.
63.	OPS	<p>The AFC will submit documentation for us to process an 06A in eMPWR and those funds are sent to our Agent Cashier. Then when the funds are transferred back to us, we release to the attorney from 6279.</p> <p>Is that step no longer required? When we receive the documentation from DROC to process an 06A on a case we go straight to eMPWR to process the payment? And it will send the check directly to the attorney? No need to process an 06A first then wait to receive funds on the accountable balance?</p>	For the 06A, which is funded by VA, you can process/disburse it directly to the attorney in eMPWR now under the new procedures. The steps to send it to the agent cashier and disburse in CAATS are no longer required.