

Letter Guide for Notifications Associated with Policy Letter 21-16-01

Purpose

This document identifies the letters to use in support of this letter.

Procedures

Letter	Purpose
1	Provide Letter 1, <i>Final Rating and Pre-contact Letter</i> , when: <ul style="list-style-type: none">• a rating of incompetency was finalized prior to this directive, and• the beneficiary was properly notified of the decision
2	Provide Letter 2, <i>Final Rating Without Notice or Final Rating by Hub Letter</i> , when a rating of incompetency: <ul style="list-style-type: none">• was finalized prior to this directive but the beneficiary was not advised of the decision, or• was finalized by the fiduciary hub or co-located adjudication activity in accordance with this directive
3	Provide Letter 3, <i>Due Process Notification Letter</i> , when a proposed rating of incompetency was completed but: <ul style="list-style-type: none">• the beneficiary was not provided due process, or• the beneficiary was provided due process but the letter did not contain required Brady Act notification



Letter 1

April XX, 2016

Beneficiary
Mailing Address
City, State Zip

In Reply Refer To:
C number
Hub/FID

Dear Beneficiary,

The Department of Veterans Affairs (VA) recently identified claim processing errors affecting beneficiaries who were previously determined unable to manage their VA benefits and in need of a fiduciary. You are among this group of beneficiaries. VA previously advised you that it determined that you require assistance in managing your benefits and that a fiduciary would be appointed to assist you. **The letter we sent is attached for your review.**

VA sincerely apologizes for the regrettable delay in contacting you and appointing someone to assist you in managing your VA benefits

If you do not agree with our decision that you need the assistance of a fiduciary, you may submit medical evidence at any time that addresses your ability to manage your funds. This information should be sent to us using the contact methods noted at the end of this letter. A VA representative will visit you soon by phone or in person for the purpose of appointing a fiduciary to manage VA benefit payments on your behalf. During this visit, the representative will interview you to find the most appropriate method of ensuring that your financial needs are met. Please review the *Field Examination Information* enclosed with this letter to prepare for the meeting.

If you have someone you would like to be appointed as your VA fiduciary, such as a relative or close friend, please provide them with the attached *Field Examination Information* prior to VA's contact. If you do not have someone in mind to be your VA-appointed fiduciary, the VA field examiner will assist you in appointing a fiduciary who will be the most effective and least restrictive for your situation.

You may access an introductory video to the fiduciary program that provides an overview of the program, as well as what to expect during a field examination by visiting **<http://www.benefits.va.gov/FIDUCIARY>**.

If you have any questions, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do.
Telephone	Call us at 1-888-407-0144. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.
Write	<p>Put your full name and VA file number on the letter. Please send all correspondence to the address at the top of this letter. VA now uses a centralized mail system.</p> <p>Please mail or fax written correspondence to the address below:</p> <p style="text-align: center;">Department of Veterans Affairs Evidence Intake Center PO BOX XXX XXX</p> <p style="text-align: center;">Or fax your information to:</p> <p style="text-align: center;">Toll Free: XXX DID: 608-373-6690</p>

In all cases, be sure to refer to your VA file number **XX XXX XXX.**

If you are looking for general information about benefits and eligibility, you should visit our website at <https://www.va.gov>, or search the Frequently Asked Questions (FAQs) at <https://iris.va.gov>.

Sincerely yours,

RO Director
VA Regional Office

Enclosure(s): Notification of Final Rating
Fiduciary Program Field Examination Information

Fiduciary Program Field Examination Information

The purpose of the Department of Veterans Affairs (VA) fiduciary program is to protect Veterans and beneficiaries like yourself who need assistance managing their VA benefits. VA appoints a fiduciary to manage those VA benefits and then oversees how the fiduciary handles them. A VA field examiner will contact you to arrange a visit to assess your situation, determine who you want to serve as your fiduciary, and appoint a fiduciary to manage your VA benefits.

How will VA select and appoint a fiduciary?

The representative will ask you to identify a person who you want to serve as your fiduciary. If the person you identify is your spouse and recognized as a dependent on your VA award, VA may decide to waive the initial visit and appoint your spouse as your fiduciary. If your spouse is not willing or able to serve, another person you identify may qualify as a fiduciary if he/she:

- Participates in an interview with the VA representative,
- Is willing to serve and abide by all agreements,
- Provides personal information, such as a social security or tax identification number, and
- Authorizes VA to review, in most instances, credit and criminal history information.

If you have a family member or friend that you would like to be your fiduciary, that person should have the following information available at the time of the interview:

- Photo identification,
- Amounts and sources of income, and
- Names, addresses, and phone numbers of two character witnesses who can confirm the individual's suitability to serve as a fiduciary.

What will I need to provide during the visit?

The VA representative will ask you about your well-being and needs. Your answers will help the representative decide the best fiduciary for you. Please have the following documents available when the representative visits:

- Photo identification
- Name, phone number, and address of your nearest relative
- Documents about all of your income sources, recurring bills, and expenses
- Statements that show your assets, to include:
 - Bank accounts
 - Owned property, e.g., vehicles, houses, land, etc.
 - Stocks, bonds, life insurance, burial plans, etc.

Please note that the representative will **not** assess the firearms restrictions associated with the Brady Handgun Violence Prevention Act during this meeting.



Letter 2

April XX, 2016

Beneficiary
Mailing Address
City, State Zip

In Reply Refer To:
C number
Hub/FID

Mr/Ms. Beneficiary,

The Department of Veterans Affairs (VA) recently identified claim processing errors affecting beneficiaries who were previously proposed by VA to be unable to manage their VA benefits, but who never received a finalized decision from VA. You are among this group of beneficiaries. VA sincerely apologizes for the regrettable delay in contacting you and appointing someone to assist you in managing your VA benefits.

We previously notified you that we were reviewing evidence regarding your ability to manage your VA benefits. We finished our review.

What We Decided

The evidence shows that because of your disability, you need assistance managing your VA benefits. Therefore, we will work with you to find someone to manage your benefits for you.

Our decision that you need help managing your VA benefit payments prohibits you from purchasing, possessing, receiving, or transporting a firearm or ammunition as outlined in the Brady Handgun Violence Prevention Act (the Brady Act). You may be fined, imprisoned, or both if you knowingly violate this law.

You may apply to VA for relief from the firearms prohibitions imposed by the Brady Act by submitting your request on the enclosed VA Form 21-4138, *Statement in Support of Claim*. Send it to the appropriate address listed on the enclosed chart, *Where to Send Your Written Correspondence*.

What You Should Do If You Disagree With Our Decision

If you do not agree with our decision, you must complete and return to us the enclosed VA Form 21-0958, *Notice of Disagreement*, to initiate your appeal. You have one year from the date of this letter to appeal the decision. The enclosed VA Form 4107, *Your Rights to Appeal Our Decision*, explains your right to appeal.

What You Should Expect Next

A VA representative will contact you soon for the purpose of appointing a fiduciary to manage VA benefit payments on your behalf. During this visit, the representative will assess your situation and work with you to identify a fiduciary to manage your VA benefit. Please review the enclosed Fiduciary Program Field Examination Information to prepare for the meeting.

If you know someone, such as a relative or close friend, who you would like to serve as your VA fiduciary, please provide that person with the enclosed Fiduciary Program Field Examination Information prior to the scheduled meeting.

If you have no preference regarding your VA fiduciary, the VA field examiner will appoint a fiduciary to best serve you.

If You Have Questions or Need Assistance

If you	Here is what to do.
Telephone	Call us at 1-888-407-0144. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.
Write	<p>Put your full name and VA file number on the letter. Please send all correspondence to the address at the top of this letter. VA now uses a centralized mail system.</p> <p>Please mail or fax written correspondence to the address below:</p> <p>Department of Veterans Affairs Evidence Intake Center PO BOX XXX XXX</p> <p>Or fax your information to: Toll Free: XXXDID: 608-373-6690</p>

Sincerely yours,

Regional Office Director

Enclosure(s): VA Form 21-4138
VA Form 21-0958
Rating Decision
VA Form 4107

Fiduciary Program Field Examination Information

The purpose of the Department of Veterans Affairs (VA) fiduciary program is to protect Veterans and beneficiaries like yourself who need assistance managing their VA benefits. VA appoints a fiduciary to manage those VA benefits and then oversees how the fiduciary handles them. A VA field examiner will contact you to arrange a visit to assess your situation, determine who you want to serve as your fiduciary, and appoint a fiduciary to manage your VA benefits.

How will VA select and appoint a fiduciary?

The representative will ask you to identify a person who you want to serve as your fiduciary. If the person you identify is your spouse and recognized as a dependent on your VA award, VA may decide to waive the initial visit and appoint your spouse as your fiduciary. If your spouse is not willing or able to serve, another person you identify may qualify as a fiduciary if he/she:

- Participates in an interview with the VA representative,
- Is willing to serve and abide by all agreements,
- Provides personal information, such as a social security or tax identification number, and
- Authorizes VA to review, in most instances, credit and criminal history information.

If you have a family member or friend that you would like to be your fiduciary, that person should have the following information available at the time of the interview:

- Photo identification,
- Amounts and sources of income, and
- Names, addresses, and phone numbers of two character witnesses who can confirm the individual's suitability to serve as a fiduciary.

What will I need to provide during the visit?

The VA representative will ask you about your well-being and needs. Your answers will help the representative decide the best fiduciary for you. Please have the following documents available when the representative visits:

- Photo identification
- Name, phone number, and address of your nearest relative
- Documents about all of your income sources, recurring bills, and expenses
- Statements that show your assets, to include:
 - Bank accounts
 - Owned property, e.g., vehicles, houses, land, etc.
 - Stocks, bonds, life insurance, burial plans, etc.

Please note that the representative will **not** assess the firearms restrictions associated with the Brady Handgun Violence Prevention Act during this meeting.

Letter 3

April 20, 2016

Beneficiary
Street Address
City, State Zip Code

In Reply Refer To: C XX
XXX XX
Beneficiary, Beneficiary

Dear Mr./Mrs. Beneficiary,

The Department of Veterans Affairs (VA) recently identified claim processing errors affecting beneficiaries who were previously proposed by VA to be unable to manage their VA benefits and in need of a fiduciary. You are among this group of beneficiaries. VA sincerely apologizes for the regrettable delay in notifying you of our proposal.

VA previously proposed that you require assistance in managing your benefits and that a fiduciary may be required to assist you, but we failed to notify you of our proposal. This letter serves as your notification of our proposed action.

We received information indicating that because of your disabilities, you may need help in handling your VA benefits.

We must decide if you are able to handle your VA benefit payments. We will base our decision on all the evidence we already have and any other evidence you may wish to send us. Before we make a final determination, you have the right to submit any evidence, information, or statement that will support your side of the case.

What We Propose to Do

We propose to rate you as unable to manage your benefits for VA purposes. This means a fiduciary may be appointed to help you manage your VA benefits. Payment of any money due you will be made directly to your fiduciary. The fiduciary is a person or institution that must use your payments for your benefit and is responsible to VA for their use.

We have enclosed a copy of our Rating Decision for your review. It provides a detailed explanation of our proposal, the reason for it, and the evidence considered.

When and Where To Send the Information or Evidence

VA now uses a centralized mail system for all written communications. Please mail or fax all responses to the address listed in the *If You Have Questions or Need Assistance* section of this letter within **60 days** from the date of this letter. Please put your full name and VA file number on the evidence. If we don't receive the information or evidence within that time, we will make our decision based only on the evidence we have received.

How This Decision Could Affect You

A determination that you are unable to manage your VA benefits will prohibit you from purchasing, possessing, receiving, or transporting a firearm or ammunition. If you knowingly violate any prohibition, pursuant to section 924(a)(2) of title 18, United States Code, as implemented by Public Law 103-159 of the Brady Handgun Violence Prevention Act, you may be fined, imprisoned, or both.

If we decide that you are unable to handle your VA funds, you may apply to VA for relief from the prohibitions imposed by the Brady Act with regard to the possession, purchase, receipt, or transportation of a firearm. Submit your request on the enclosed [VA Form 21-4138](#), Statement in Support of Claim. VA will determine whether such relief is warranted.

How to Obtain a Personal Hearing

If you desire a personal hearing to present evidence or argument about your ability to handle your VA benefits, notify this office and we will arrange a time and place for the hearing. If you want, you may bring witnesses, and their testimony will be entered in the record. VA will furnish the hearing room and provide hearing officials. VA cannot pay any other expenses of the hearing, since a personal hearing is held only on your request.

Please notify us as soon as possible if you would like to request a hearing. If VA receives your hearing request prior to the final competency determination, we will continue to send payments to you until we have held the hearing and reviewed the testimony. If no request for hearing is received prior to the final competency determination, a decision will be made based on the evidence of record.

How to Obtain Representation

An accredited representative of a veterans organization or other service organization recognized by the Secretary of Veterans Affairs may represent you, without charge. An accredited agent or attorney may also represent you. However, under 38 U.S.C. 5904(c), an accredited agent or attorney may only charge you for services performed after the date you file a notice of disagreement with VAs' final decision. If you desire representation, let us know and we will send you the necessary forms. If you have already designated a representative, no further action is required on your part.

If you have any questions, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do.
Telephone	Call us at 1-888-407-0144. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.
Write	Put your full name and VA file number on the letter. Please send all correspondence to the address at the top of this letter. VA now uses a centralized mail system. Please mail or fax written correspondence to the address below: Department of Veterans Affairs Evidence Intake Center PO BOX XXX XXX Or fax your information to: Toll Free: 844-822-5246 DID: 608-373-6690

In all cases, be sure to refer to your VA file number XX XXX XXX.

If you are looking for general information about benefits and eligibility, you should visit our website at <https://www.va.gov>, or search the Frequently Asked Questions (FAQs) at <https://iris.va.gov>.

We sent a copy of this letter to your representative, **XXXX**, whom you can also contact if you have questions or need assistance.

Sincerely yours,

RO Director
VA Regional Office

Enclosure(s): Rating Decision
VA Form 21-4138
VA Form 21-0789

CC: **POA**