

I. The purpose of this policy is to identify the established polices and procedures for candidates desiring to become Veteran's Service Officers (VSOs) with KAL. This policy is in compliance with The American Legion (TAL) and the Office of General Council (OGC) of the Veterans Administration (VA) policies. This policy will be implemented by the Department Surgeon under the direction of the Department Commander.

1. When an individual (Candidate) expresses a desire to become a Service Officer (SO) with the American Legion they should be put in touch with an accredited American Legion VSO. The VSO will explain the duties and responsibilities of a VSO and a Post Service Officer (PSO). A PSO is an elected position and may (preferably) or may not actually perform the duties of a VSO.

2. A PSO and a VSO Candidate cannot assist or advise veterans with their claims. They are limited by law to filling out a PSO Case Brief and forwarding it to a VSO. The Post can receive credit for assisting a veteran or a veteran's survivors for every PSO Case Brief forwarded to a VSO. The PSO will coordinate with the Post Adjutant to record the number of veterans assisted to be reported on the Consolidated Post Report (CPR). The VSO is responsible with following up with the veteran or veteran's survivors and assisting them with claims and benefits.

3. PSOs are not accredited positions and anyone with the title of PSO or honorary appointments as an SO will not be accredited on that basis alone. They must complete the training outlined in this policy if they desire to be a VSO.

4. If a Candidate wants to continue training for VSO they will be mentored by a VSO throughout the process.

II. The KAL SO Policy outlines the procedures and requirements to achieve VA accreditation as a KAL VSO.

1. KAL VSOs are an integral part of our mission, and they serve in a critical role to support the leadership to ensure the success of KAL. This information is to help new KAL SOs secure their VA accreditation after receiving training from the VA and TAL, or other accreditation training from another recognized veterans service organization. There are two mandatory online training courses:

- a. Training, Responsibility, Involvement and Preparation of Claims (TRIP), administered by the VA.
- b. Department Service Officer 101 (DSO101), administered by Bergmann and Moore Law Firm (B&M). It is recommended that the Candidates complete TRIP training first.
- c. Participation in a mentorship program is required throughout the Candidate's training. Candidates will work with mentors to demonstrate proficiency in a variety of claims (such as new claim/never filed before or never filed for this condition before, rate increase/worse, denial appeal, disagree with rating within 1 year, DIC, health care enrollment, etc).

2. Mentoring will be the first step in learning the requirements and duties of a VSO. The Candidate will request a mentor (could be the VSO they first contacted) who is an accredited VSO to mentor

them throughout training with KAL. The assignment of a mentor will be coordinated with KAL Mentor Coordinator (Area C VSO, <mailto:al34kyvso@gmail.com>). The mentor will be someone who is willing to train, monitor, and review what the candidate is doing to become a VSO. The mentor will be a long term resource for the Candidate even after the Candidate is accredited. This is to ensure that the veterans are getting the best assistance that we can give them and use the correct forms in each case. The Candidate may be referred to as an Intern or Candidate after a mentor is assigned.

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3. Candidates desiring to become VSOs should be active members of their KAL post and have the endorsement of their post Commander. They should possess good character and reputation, and demonstrate the ability and desire to do SO work. They should maintain membership with KAL, Sons of the American Legion (SAL), Legion Riders (LR) , or be a paid full-time employee of KAL, in good standing. They can not be employed by the U.S. Government or Military Departments, and they will be expected to successfully complete relevant courses on veterans' benefits.

4. Candidates will submit their Name (as it appears on driver's license), Date of Birth (DOB), Place of Birth, and Social Security Number (SSAN) to the KAL TRIP online course Training Coordinator (Area B VSO, <mailto:post46alvso@gmail.com>). The Coordinator will confirm that the information is accurate and request enrollment of the candidate in TRIP through the VA Regional Office (VARO) Training Manager. The VARO will contact the Candidate with credentials to logon to TRIP.

5. The Candidate will have 45 days to complete the course. The course is open note, open book, open multiple windows in your browser, by design. It is not cheating. Candidates are not required to memorize and retain all of this material. Candidates will be provided with access to all course materials for reference after they successfully complete the course. Candidates will have 3 attempts to score at least 80% on the final exam.

6. Upon successfully completing TRIP the Candidate will provide a copy of the completion certificate to <mailto:post46alvso@gmail.com>. The coordinator will maintain a training file and forward a copy to the KAL Adjutant.

7. After successfully completing TRIP and the candidate is ready to proceed with more training the Candidate may request enrollment in TAL's Accreditation & Training School provided by B&M for the DSO101 course through the DSO Training Coordinator (Area C VSO <mailto:al34kyvso@gmail.com>). The training coordinator will nominate Candidates for the course in the last week of the month prior to the start of the course.

8. B&M will email the Candidate in the first week of the month for the enrolled course to initiate enrollment credentials. A second email will be sent to complete credentials and notify the candidate that the course will go live 10:00am Eastern time on the 10th of the month. The candidate will have 14 days to complete the course. The course is open note, open book, open multiple windows in your browser, by design. It is not cheating. Candidates are not required to memorize and retain all of this material. Candidates will be provided with access to all course materials for reference after they successfully complete the course. The candidate will have 3 attempts to score at least 80% on the final exam.

9. Upon successfully completing DSO101, the Candidate will provide a copy of the completion certificate to <mailto:al34kyvso@gmail.com>. The coordinator will maintain a training file and forward a copy to the KAL Adjutant.

10. After completion of TRIP and DSO101, and demonstrated proficiency in a variety of claims (such as new claim/never filed before or never filed for this condition before, rate increase/worse, denial appeal, disagree with rating within 1 year, DIC, health care enrollment, etc), the mentor will recommend the Candidate to <mailto:al34kyvso@gmail.com> for accreditation. The three Area VSOs and the Surgeon will review the Candidate's training record for compliance and nominate the candidate for accreditation, if qualified. If the candidate is not fully qualified they will be provided with additional training and reevaluated.

III. The National Veterans Affairs & Rehabilitation Director (VA&R), or their designee, serve as the exclusive accrediting officials for the American Legion. Before Candidates submit their applications, ensure that they meet the following requirements:

1. Possess good character, reputation, and demonstrate the ability to represent claimants before the VA and maintain membership in good standing with KAL, SAL, LR, or be a paid full-time employee of KAL. Successfully completed relevant courses on veterans' benefits. Not be employed by the U.S. Government or Military Departments.

2. The Candidate accreditation package must be completed in full and submitted to the KAL Adjutant or designee (<mailto:al34kyvso@gmail.com>) by the Candidate and mentor. The KAL Adjutant or designee will carefully review the whole application package to ensure that the Candidate meets the statutory requirements listed above.

3. When the Candidate is nominated for accreditation they will submit a VA Form 21 <mailto:al34kyvso@gmail.com> for review and completion of the Service Officer Information Report (SOIR). The completed accreditation package will be forwarded to TAL VA&R. VA&R will only accept an accreditation package from the Department Commander, Department Adjutant, or their designee. The Director will review the packet and either send it back to KAL for correction or forward it to OGC for accreditation.

4. VA OGC will be the final authority and, upon approval, provide accreditation and post it on the VA website. At that time the Candidate will be considered an American Legion accredited VSO. Accredited VSOs should be serving in their post and supporting other posts until each post has an accredited VSO. VSOs are expected to be mentors and take update training as necessary to stay current.

V. VA ACCREDITATION PROGRAM: STANDARDS OF CONDUCT FOR VA ACCREDITED ATTORNEYS, CLAIMS AGENTS, AND VSO REPRESENTATIVES

1. The standards of conduct in 38 C.F.R. §14.632 establish the appropriate behavior for VA accredited attorneys, agents, and representatives. VA accredited individuals providing VA claims assistance shall:

- a. Faithfully execute their duties on behalf of a VA claimant;
- b. Be truthful in their dealings with claimants and VA;
- c. Provide claimants with competent representation before VA; and
- d. Act with reasonable diligence and promptness in representing claimants.
- e. See 38 C.F.R. §§ 14.632 (a) & (b).

2. VA accredited individuals shall not:

- a. Violate the standards of conduct as described in 38 C.F.R. §14.632.
- b. Circumvent the rules of conduct through the actions of another.
- c. Engage in conduct involving fraud, deceit, misrepresentation, or dishonesty.
- d. Violate one or more of the provisions of title 38, United States Code, or title 38, Code of Federal Regulations.
- e. Enter into an agreement for, charge, solicit, or receive a fee that is clearly unreasonable or otherwise prohibited by law or regulation.
- f. Solicit, receive, or enter into agreements for gifts related to representation provided before an agency of original jurisdiction has issued a decision on a claim or claims and a Notice of Disagreement has been filed with respect to that decision.
- g. Delay, without good cause, the processing of a claim at any stage of the administrative process.
- h. Mislead, threaten, coerce, or deceive a claimant regarding benefits or other rights under programs administered by VA.
- i. Engage in, or counsel or advise a claimant to engage in, acts or behavior prejudicial to the fair and orderly conduct of administrative proceedings before VA.
- j. Disclose, without the claimant's authorization, any information provided by VA for purposes of representation.
- k. Engage in any other unlawful or unethical conduct.

*In addition, in providing representation to a claimant before VA, VA accredited attorneys shall not engage in behavior or activities prohibited by the rules of professional conduct of any jurisdiction in which they are licensed to practice law. See 38 C.F. R. § 14.632(c)& (d).

If I violate a standard of conduct or engage in any other unlawful or unethical conduct, what will happen? If VA determines that you have violated the standards of conduct, VA may suspend or cancel

your accreditation. VA is authorized to report the suspension or cancellation to any bar association, court, or agency to which you are admitted. In addition, VA may collaborate with State and Federal enforcement authorities if it is suspected that your actions may have implications under State or other Federal laws.

For More Information: Visit the VA Office of the General Counsel website at:

<http://www.va.gov/ogc/accreditation.asp>

VI. When you get complaints from veterans about service officers, claims agents, or attorneys, refer to: VA ACCREDITATION PROGRAM ENFORCEMENT AUTHORITY

WHAT VA CLAIMANTS SHOULD KNOW ABOUT THE ACCREDITATION PROGRAM'S ENFORCEMENT AUTHORITY COMPARED TO OTHER AGENCIES

The goal of our complaint process is to protect veterans and their family members and the Department of Veterans Affairs' (VA) benefits system from the unethical and unlawful conduct of those who represent VA claimants. The conduct of VA accredited practitioners must comport to the standards set forth in 38 C.F.R. § 14.632. Congress has authorized VA to investigate and suspend or remove the VA accreditation of any individual who violates the standards of conduct for VA accredited practitioners.

What the VA Accreditation Program Can Do: The primary purpose of the complaint system for VA accredited practitioners is to protect veterans. It is our function and our duty to enforce VA's standards of conduct, which are the standards for VA-accredited practitioners in the performance of their work as well as in other activities bearing upon their character. If we determine that a VA accredited practitioner has violated VA's standards of conduct, we may take action that will result in the practitioner being privately reminded of VA's standards. If the violation of the standards of conduct is serious, the practitioner's VA accreditation may be temporarily or even permanently taken from him or her. However, that action may not solve your own personal problem, as you will learn when you read the next section.

What the VA Accreditation Program Cannot Do: The complaint process is set up to determine if a VA accredited practitioner has violated the standards of conduct. It is not a substitute for a civil claim against the VA accredited practitioner. We cannot give you legal advice and cannot modify or change the decision on your VA benefit claim. We generally cannot take money or property from the accredited practitioner to return to you. We cannot sue a VA accredited practitioner because of his or her careless handling of your claim. We cannot do the work the VA accredited practitioner failed to do for you. The only action we can take is to impose disciplinary sanctions against the VA accredited practitioner. By bringing a complaint to us, you help us learn of VA accredited practitioners who need to correct their behavior or be suspended/cancelled from the practice of VA law. This helps us keep the VA legal profession honorable and competent. In that way, you help yourself, your government and your fellow veterans.

Where Else To File Your Complaint:

? If you think someone is trying to sell you a bill of goods by "poaching" your VA pension, you may file a complaint with your State Attorney General or the Federal Trade Commission.

? If you want to report a problem with the sale of an annuity or other insurance product, you may file a complaint with your State Insurance Regulator.

? If you think a lawyer has behaved unethically or a non-lawyer is engaging in the unauthorized practice of law, you may file a complaint with your State Bar Association or your State Attorney General.

? If you think that an individual has committed a crime against the programs and operations of VA, you may file a complaint with VA's Office of Inspector General.

For more information: Visit the VA Office of General Counsel website at:
<http://www.va.gov/ogc/accreditation.asp>