

**ASSOCIATES OF VIETNAM VETERANS OF AMERICA  
VETERANS SERVICE OFFICER PROGRAM  
POLICIES & PROCEDURES**



**Adopted by  
AVVA VETERAN AND BENEFITS COMMITTEE  
AND  
AVVA BOARD OF DIRECTORS  
AUGUST 2008  
5HYLVHG 2FWREHU**

# TABLE OF CONTENTS

	<b>Page</b>
<b>SECTION I: GENERAL</b>	
A. <b>Organizational Responsibility</b> .....	1
B. <b>Levels Of Representation Defined</b> .....	1
C. <b>Quality Of Representation</b> .....	1
 <b>SECTION II: INDIVIDUAL VETERAN’S REPRESENTATION POLICY</b>	
A. <b>Clients’ Responsibility</b> .....	2
B. <b>Types Of Service</b> .....	2
C. <b>Service Officers’ Responsibilities</b> .....	3
 <b>SECTION III: AVVA VETERANS BENEFITS COMMITTEE</b>	
A. <b>Purpose</b> .....	4
B. <b>Functions</b> .....	5
 <b>SECTION IV: AVVA VETERANS SERVICE PROGRAM</b>	
A. <b>Purpose</b> .....	5
B. <b>Recommendations For Funding</b> .....	6
C. <b>Control</b> .....	6
D. <b>Legislative and Agency Advocacy</b> .....	6
E. <b>Recognition of State/County Agencies</b> .....	6
 <b>SECTION V: AVVA VETERAN SERVICE PROGRAM PERSONNEL</b>	
A. <b>Service Officer Director</b> .....	7

B. Volunteer Lawyers.....	7
C. Contract Attorneys.....	7
D. Dual Representation With Other Organizations.....	7
E. AVVA Service Reps/Officers.....	7

**SECTION VI: AVVA REQUIREMENTS FOR ADMISSION TO  
AVVA VETERANS BENEFITS PROGRAM TRAINING**

A. Requirements For Admission.....	8
B. Introduction.....	9
C. Definitions.....	9
D. Qualifications.....	10

**SECTION VII: REVOCATION**

A. Proper Conduct.....	10
B. Revocation Responsibility.....	10
C. Revocation Of Officers Accreditation.....	11
D. Appeals Of Revocation.....	11

**SECTION VIII: SUSPENSION**

A. Proper Conduct.....	12
B. Suspension Responsibility.....	13
C. Suspension Of Service Accreditation.....	13
D. Appeals Of Suspension.....	14
E. Non-Exclusion of Other Action.....	14

**SECTION IX: RESTRICTIONS**

A. Membership Solicitation.....	14
B. Contribution Solicitation.....	14
C. Client Confidentiality.....	14
D. Use Of VA Facilities.....	15
E. Unauthorized Use Of Titles.....	16
F. Business Card.....	16

<b>SECTION X: CERTIFICATE OF COMPLETION.....</b>	<b>17</b>
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<b>SECTION XI: CONTINUING EDUCATION.....</b>	<b>17</b>
<b>SECTION XII: QUARTERLY REPORTING.....</b>	<b>18</b>
<b>SECTION XIII: INCORPORATION BY REFERENCE</b>	
<b>A. Policy Of Equal Employment Opportunity.....</b>	<b>18</b>
<b>B. Anti-Discrimination Policy.....</b>	<b>18</b>
<b>C. Sexual Harassment Policy.....</b>	<b>19</b>
<b>SECTION XIV: ACKNOWLEDGMENT OF POLICIES.....</b>	<b>19</b>

## SECTION I

### GENERAL

**A. Organizational Responsibility.** As a Veteran Service Organization (VSO), Associates of Vietnam Veterans of America (AVVA) has a dual and equal obligation to provide both community and veterans benefits and representation activities. The responsibility of providing effective veterans benefits representation is shared by the National Board and Veterans Benefits Committee (VBC) of AVVA. To ensure the delivery of meaningful representation to veterans and their families, these policies have been enacted to provide consistency and structure for representation by AVVA.

**B. Representation.** AVVA, Inc. will maintain an independent entity in-house called the AVVA Veterans Service Program (VSP). In such a configuration it is the desire of the Board of Directors to remove AVVA's veteran's benefits representation from the internal political activities of the organization.

The AVVA Director of the VSP will have operational responsibility for AVVA's veteran benefits representation performed by employees, volunteers, attorneys, contractors, law clerks and interns of the National office. This shall include, but is not limited to, individual case representation at the regional offices, Board of Veterans' Appeals, Court of Appeals for Veterans Claims, discharge review boards and boards for the correction of military records. Representation shall also include broad impact litigation in other federal courts as well. Lastly, it shall also include advocacy and publications.

Oversight responsibility for the operation of AVVA VSP will be with the AVVA's Veterans Benefits Committee (VBC) (See Section III). The term AVVA Director of the Veterans Service Program, will also apply to any individual that is functioning as the acting or interim Veterans Service Officer Director as appointed by the Chair of the AVVA's Veterans Benefit Committee and approved by the National President of AVVA.

**C. Quality of Representation.** The AVVA VBC desires that AVVA's veterans benefits representation be characterized by quality service to those who are most in need and who are least able to assist themselves. In veteran benefits representation, AVVA Veterans Benefits Committee, AVVA and VSP shall focus on providing the maximum amount of quality service possible within the limitations of available resources. At the service level, providing quality representation for as many clients as possible; not just the quantity of clients seen, shall be the goal and standard by which we operate our veteran's benefits representation and service program.

## SECTION II

### INDIVIDUAL VETERAN'S REPRESENTATION POLICY

**A. Clients' Responsibility.** AVVA desires to ensure that veterans and their families receive every needed benefit and service to which they are lawfully entitled. Yet, not unlike other classes of citizens, veterans must assume the basic responsibility of providing for their own health and welfare. Consistent with this fundamental responsibility is the need for veterans to become active participants in the process of seeking benefits and services to which they or their families may be entitled.

**B. Types of Service.** In many cases, the process required to secure a needed benefit or service, can be easily initiated and successfully concluded by the client with minimal assistance from a trained service professional or volunteer. In other cases the process is complex and requires direct representation by trained personnel to enhance the possibility of success in obtaining the needed benefit or service. Accordingly, within AVVA the following types of individual service are recognized and defined as:

**1. Assistance.** Whenever possible and deemed to be consistent with the best interest of the client, the emphasis of AVVA's veteran benefits representation shall be placed on assistance. In this context, "assistance" means that AVVA's Service Representatives, Veterans Claims Officers, Veterans Service Officers will actively work to encourage and empower veterans to help themselves. To facilitate such an assistance program at all levels of the service structure, AVVA VSP, will provide guidelines, training, and materials that advocate self-help for routine requests for benefits and services. This emphasis on self-help shall not be misconstrued in such a manner as to deny service to an individual who, without intervention, could not apply for a needed benefit or service to which they are lawfully entitled.

**2. Direct Representation.** To maximize the use of available resources, direct service to individual clients by AVVA VSP attorneys, Service Representatives, Veterans Claims Officers and Veterans Service Officers may be provided within the following guidelines:

(a) AVVA VSP limits its representation of claimants before the Board of Veterans' Appeals, discharge review boards, and the boards for the correction of military records, and by the AVVA employees or volunteers acting on behalf of AVVA in any VA regional office claim.

(b) The claimants represented shall be veterans and/or family members.

(c) AVVA's resources should be utilized to maximize the return to its claimants.

(d) Quality representation, of cases that best utilize lawyer or lawyer supervised representation will not be sacrificed by attempting to provide service for all. Frivolous claims will not be filed or pursued by AVVA Veterans Claims Officers or Veterans Service Officers. A frivolous claim is one in which the claimant has no chance of prevailing no matter how much time, effort and resources are expended on the claim.

(e) Because AVVA VSP may be utilizing lawyer or lawyer-supervised counsel in its National Office, it will give priority to those cases where lawyer skills will enhance the case presentations. Cases of precedential or symbolic value and which are significant to AVVA's members should be emphasized.

## **C. Service Officers' Responsibilities**

### **1. Communication**

Accredited service officers are expected to communicate with veterans and claimants we represent, as part of providing quality representation. The following communication guidelines, based in part on the model rules of professional conduct for attorneys, will help service officers represent clients and avoid unfavorable consequences.

#### **A service officer will:**

a. Explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation. A service officer will require a client to submit a signed statement in order to withdraw a pending claim or appeal.

b. Keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information. A service officer who is incapacitated may fulfill this duty by providing the client with contact information for another accredited AVVA service officer or the AVVA Director of the VSP.

c. Consult with the client about any limitation on the service officer's conduct (such as the prohibition on filing frivolous or fraudulent claims) when the service officer suspects that the client expects assistance not permitted by VA regulations or other law, or is beyond the scope of the service officer's duties.

d. Inform the AVVA Director of the VSP when his or her contact information changes, or if the service officer becomes a federal government employee or an accredited VA Agent, licensed attorney, or licensed insurance agent.

### **2. Representation Agreements and Revocations**

Service officers will request that the claimant complete and sign an appointment of AVVA as power of attorney when representing a claimant through AVVA. Service officers may inform claimants about general steps of the claims process but will not give

specific advice on a claim before obtaining an appointment of AVVA as power of attorney. Service officers will receive authorization from the claimant to view health information and military records without limitation, otherwise appointment of AVVA as representative will not occur or continue.

Service officers may at times need to revoke a representation agreement with a claimant. VA regulations in Title 38, Parts 14 and 20, must be followed when revoking a representation agreement, which include sending a letter to the Veteran and the VA. A copy of this letter must also be sent to the Department of Veterans Affairs Regional Office (or office handling the claim, if on appeal) and the AVVA Director of the VSP.

### **3. Document Retention**

Secure electronic transmission and storage is the preferred method of handling client claims information. Protected health information will not be transmitted to any individuals other than the Department of Veterans Affairs or accredited AVVA service officers. Client-provided information and any information relevant to the client's claim will be returned to the claimant, next-of-kin, or VA upon request.

It is strongly suggested that client-provided information or service department records relevant to veteran's benefits be scanned and transmitted electronically to the VA and returned to the claimant. It is also suggested that client-provided information and service department records be transmitted to the VA or returned to the client when no longer useful to the VSO rather than shredding or other disposal methods.

Office files not related to specific claims for veterans' benefits such as business cards, personal cards from clients, blank forms, training materials, internal documents and the like may be disposed of at will, subject to document retention procedures imposed by other federal or state law and any applicable AVVA organizational policies.

## **SECTION III**

### **AVVA VETERANS BENEFITS COMMITTEE**

**A. Purpose.** It is the desire of the AVVA Board of Directors that AVVA's veterans benefits representation be overseen and coordinated by a small committee of the Board whose members, if possible, have had practical experience in claim advocacy. AVVA Service Representatives, Veterans Claims Officers and Veterans Service Officers who are members of the National Board of Directors may serve on the Veterans Benefits Committee. Should they become the subject of a complaint under Section VI of these "policies," the AVVA Service Representatives, Veterans Claims Officer or Veterans Service Officers will not be part of the decision making process. This Committee shall be referred to as the "AVVA Veterans Benefits Committee" and its members shall be



appointed by the President subject to confirmation by the National Board of directors

**B. Functions.** On behalf of the AVVA Board of Directors, the AVVA Veterans Benefits Committee will perform the following functions:

**1. Allocation of AVVA Resources.** The National Finance Committee shall ensure that available resources are allocated in a manner that provides for the continuance and expansion of AVVA veterans benefits representation. The committees shall be governed by the following principles in regard to the allocation of resources.

(a) The allocation of resources for the operation of AVVA VSP at the National level shall be the responsibility of the Veterans Benefit Committee.

**2. Litigation.** Litigation undertaken in AVVA's name, whether as a plaintiff or as an amicus, must be reviewed by the AVVA Director of the VSP, endorsed by a majority of the Veteran's Benefits Committee and approved by the AVVA National Board of Directors.

**3. Confirmation of Appointments.** Confirm or reject the appointment of individuals seeking training and/or recognition as a Service Representative, Veterans Claims Officer or Veterans Service Officer (see Section V).

**4. Revocations.** Perform specific functions in regard to the revocation of accreditation of individuals or agencies authorized to engage in veteran's benefits representation on behalf of AVVA (see Section VI).

## SECTION IV

### AVVA VETERANS SERVICE PROGRAM

**A. Purpose.** AVVA shall maintain an aggressive judicial review program to enforce or otherwise secure the rights of veterans and their families. In this endeavor, AVVA Veterans Service Program shall focus on affecting maximum impact to assist the greatest number of veterans and shall monitor the quality of AVVA veterans benefits representation at all levels of the organization. As indicated in Section I of this document, AVVA VSP shall have three primary responsibilities:

**1. Representation Guidelines.** AVVA VSP's will provide quality-oriented individual case representation, consistent with the provisions of Section II of this document, and within the limitations of available resources shall continue to focus on the quality representation of as many clients as possible. In providing quality individual case representation, the AVVA Director of the VSP shall be guided by the following:

(a) At the outset AVVA would enter into a strategic alliance with Vietnam Veterans of America (VVA) for representation before the Board of Veterans

Appeals (BVA). Through dual accreditation in accordance with 38 CFR §14.629 and a Memorandum of Understanding certain VVA National Staff members would be dually accredited to AVVA for the purpose of providing BVA representation. AVVA would also eventually seek to obtain office space at the BVA to provide direct representation as well.

(b) In all areas of AVVA VSP's responsibility stresses quality representation over quantity representation.

**2. Publication Guidelines.** Subject to the availability of resources, the **Director of the AVVA Veterans Service Program** shall be guided by the following:

(a) Consistent with these policies, AVVA VSP may create, produce or otherwise publish and disseminate materials concerning, or in support of, AVVA's veterans benefits representation.

**B. Recommendation for Funding.** The Veterans Service Officer Director of the AVVA Veterans Service Program will identify and make recommendations, *through* the AVVA Veterans Benefits Committee to the Board's Finance Committee concerning the need for nationally subsidized Service Representatives, Veterans Claims Officers and Veterans Service Officers or private attorneys at various locations throughout the country and other limited locations outside of the country.

**C. Control.** AVVA Service Representatives, Veterans Claims Officers and Veterans Service Officers, without regard to the source of their income, are considered to be under the operational control of AVVA Director of the Veterans Service Program in regard to all AVVA veterans benefits representation. **This includes enforcement of 38 C.F.R. and VSP Policies pertaining to Service Officer accreditation and conduct.**

**D. Legislative and Agency Advocacy.** As directed by the President of AVVA, AVVA VSP may engage in legislative and agency advocacy. Such activities shall be determined by the overall needs of the organization and shall be in cooperation with ongoing legislative or agency work by the AVVA.

**E. Recognition of State/County Agencies.** AVVA VSP shall avail itself by using, where practical and consistent with established programs, the individual state Department of Veterans Affairs, or similar county agencies to expand its veteran's benefits representation. The AVVA Director of the VSP shall coordinate such expansions with local AVVA activities and may recognize such agencies to perform veteran's benefits representation on behalf of the AVVA. Such recognition of state agencies is subject to confirmation by the AVVA Veterans Benefits Committee.

## SECTION V

### AVVA VETERANS BENEFITS PROGRAM PERSONNEL

**A. The AVVA Director of the Veterans Service Program.** This individual may be a full-time employee of AVVA and will be charged with the overall responsibility of supervising AVVA's VSP and benefits representation. The AVVA Director, Veterans Benefits Program, is additionally designated with overall responsibility concerning Service Officer accreditation and; professional conduct.

**B. Volunteer Lawyers.** AVVA recognizes the value of introducing volunteer lawyers into all levels of the veteran benefits and service system. Such advocates will serve to increase the effectiveness of AVVA's veteran benefits representation not only through cost savings but also by continuously adding new ideas and vigor to the delivery of benefits and service to veterans and their families. AVVA VSP will recruit a panel of volunteer attorneys to handle claim matters on a pro bono basis and will assist the VSP.

**C. Contract Attorneys.** For various reasons and purposes the AVVA VSP finds it necessary to engage the services of contract attorneys. Unless otherwise authorized in writing, contract attorneys shall be under the supervision and operational control of the AVVA Director of the Veterans Service Program.

**D. Dual Representation with Other Organizations.** In the interest of fostering and maintaining strategic alliances the VSP may dually accredit Veterans Service Officers with other organizations, that are officially recognized by the VA and in accordance with 38 CFR 14.628.

In the event an AVVA accredited Veterans Service Officer becomes dually accredited with AVVA and another organization, that individual must adhere to these policies whether acting under a AVVA power-of-attorney or a power-of-attorney of another organization.

**E. AVVA Service Officers.** An accredited AVVA Service Officer may be an employee of AVVA, a State Association or a Chapter; a state or a county-employed Service Officer who is dually accredited with AVVA; a dually accredited Service Officer with another organization through a Memorandum of Agreement or Memorandum of Understanding, or a volunteer. The individual must satisfy VA and AVVA accreditation eligibility requirements and possess a working knowledge of VA benefits and health-care related laws, regulations and procedures. AVVA will not accredit an individual who is already accredited with VA as an agent, and will revoke accreditation if an individual later becomes accredited with VA as an agent.

Service officers represent clients under an AVVA power-of-attorney in the prosecution of claims and decision review officer appeals before the VA regional offices, including: client intake, case evaluation and assessment, evidentiary development, preparation and presentation of written claims for benefits, customer service and oral advocacy when necessary, and representation for appeals. Service Officers must maintain compliance with the provisions of the AVVA Veterans Benefits Program Policies, as well as all agreements and requirements of any employing AVVA entity. Service Officers must also maintain compliance with all current requirements as prescribed by the VA. Service Officers must also maintain compliance with any future accreditation requirements as imposed by the VA as they become effective.

## SECTION VI

### REQUIREMENTS FOR ADMISSION TO AVVA VETERANS BENEFITS PROGRAM TRAINING

A. **Requirements for Admission.** In order to ensure the continued quality and reputation of AVVA's Veterans Service Program, the essential requirements for admission to the training course are as follows:

- ❖ Dedication to helping veterans and their dependents.
- ❖ Organizational skills, responsibility and trustworthiness.
- ❖ Recommendation from AVVA Veterans Benefits Committee or the AVVA Director of the VSP.

There are also certain legal requirements for accreditation as a Veterans Claims Officer or Veterans Service Officer.

The candidate must:

- 1) Be a member in good standing of AVVA, *if at the time of writing the application, the individual is not a member, then in that case the individual must join as a three (3) year member of AVVA; or*
- 2) Be a paid employee of AVVA working not less than 1000 hours annually; *or*
- 3) Be a dually accredited Veterans Service Officer through a Memorandum of Agreement or Memorandum of Understanding between AVVA and another service organization *and*
- 4) Must *not* be employed by any civil or military department or agency of the Federal government. *See* 38 C.F.R. § 14.629.
- 5) At the end of the three-year membership cycle (refer to #1), the Veterans' Benefits Program chair will review the SO's performance and may recommend to the board that a life membership be granted at no cost to the service officer.

In addition, AVVA must be able to certify to the VA that the candidate is a person of good character and reputation. See 38C.F.R. §14.629(a)(1). These criteria must be kept in mind, since applicants who do not meet them, cannot be accredited as an AVVA claims or service officer. The VA Office of the General Counsel (which administers the VA accreditation program) also has a policy of requiring clarifying information where the applicant is a veteran who has less than an honorable discharge from active military service (e.g., a general discharge, even if under honorable conditions, dishonorable discharge, etc.). The VA has the discretion not to accredit anyone, even if the individual is nominated by a veteran's service organization.

Moreover, if an applicant is currently receiving VA benefits or Social Security Disability Insurance benefits on the basis of individual unemployability or for a substantial psychiatric disability, accreditation and employment as a Service Representative, Veterans Claims Officer, Veterans Service Officer may be considered as evidence to demonstrate that his or her condition has improved. Such evidence may therefore serve as the basis for a VA rating reduction or for the severance of VA or Social Security benefits.

## **B. Introduction**

### **Duties and Responsibilities for levels of AVVA Veteran Service Structure as set forth below:**

This classification is not intended to identify every duty that may be assigned to positions, but is intended to serve as a framework for classification decision making in this occupational area.

Positions allocated to this series represent veterans/dependents in presenting claims before the VA; provide advocacy, counseling, referral and follow-up service to those veterans/dependents needing assistance and may be accredited by AVVA and USDVA as Power of Attorney to provide representation to veterans in the prosecution of their claims.

## **C. Definitions**

### **Veterans Service Officer:**

Veterans Service Officer reports to the AVVA's Director of the Veterans Service program.

The individual must satisfy AVVA accreditation eligibility requirements and possess a working knowledge of VA benefits and health-care related laws, regulations and procedures. Veterans Service Officers (VSO) represent clients under an AVVA power-of-attorney in the prosecution of claims and decision review officer appeals before the VA regional offices, including: client intake, case evaluation and assessment, evidentiary development, preparation and presentation of written claims for benefits, customer service and oral advocacy when necessary. VSO's must maintain compliance with the

provisions of the AVVA Veterans Benefits Program Policies, as well as all agreements and requirements of any employing AVVA entity. VSO's must also maintain compliance with all current requirements as prescribed by the VA. VSO's must also maintain compliance with any future requirements as imposed by the VA as they become effective.

The AVVA VSP will not accredit an individual who is already accredited with the VA as an agent, and will revoke accreditation if an individual later becomes accredited with the VA as an agent, or becomes accredited as an attorney in private practice, or becomes an insurance agent.

VSO's are also responsible for reviewing and assisting the veteran in providing supporting documentation for Regional Office (RO) remands.

These positions provide advocacy, counseling, referral and follow-up service to those veterans/dependants needing assistance to stabilize their life's quality; knowledge and/or ability concerning claims issues as their power of attorney representative; and apply acquired skills, knowledge and experience in obtaining claims awards that will improve the veterans/dependents' quality of life.

#### **D. Qualifications**

Qualifications required for these positions will be determined by the AVVA Veterans Benefits Committee. Such determinations will be made based on an analysis of the goals for each position, to include the identification of the education, training, work, or other life experience that would provide reasonable assurance that the knowledge and skills required upon appointment have been acquired. Once approved by the VBC the applicant will be supervised by the AVVA Director of VSP.

## **SECTION VII**

### **REVOCACTION**

**A. Proper Conduct.** It is the desire of the Board of Directors that AVVA's veteran benefits representation be conducted in an environment of honesty and integrity. Recognition of individuals or agencies to perform veteran benefits representation on behalf of AVVA is a privilege of immense responsibility. Those authorized to engage in such activities are to do so lawfully, professionally, ethically and in a manner that does not discredit AVVA. The following procedures are established to revoke the privileges of AVVA Service Representatives or Veterans Claims Officers.

**B. Revocation Responsibility.** The AVVA Director of VSP and the AVVA Benefits Committee will appoint a Grievance Committee that will be charged with oversight responsibility, unless otherwise indicated in this section, in the revocation of privileges for individual AVVA Service Representatives, Veterans Claims Officers or

Veterans Service Officers. Individuals that are dually accredited with another organization under a Memorandum of Understanding or Memorandum of Agreement may be subject to additional procedures as outlined in the applicable Agreement.

**C. Revocation of Officers Accreditation.** The following shall apply to AVVA Veterans Claims Officers and Veterans Service Officers:

1. The grounds for termination promulgated in 38 C.F.R. Section 14.633(c) are also grounds for revocation of AVVA accreditation. The due process procedures are applicable to revocations in such situations.

When a Veterans Claims Officer or a Veterans Service Officer becomes a Federal employee, he or she, must cease prosecuting claims against the VA to avoid violating 18 U.S.C. Section 205 (Federal conflict of interest statute). Upon notification of Federal employment the Veterans Service Officer's accreditation will be cancelled.

2. The failure of an AVVA Veterans Claims Officers or Veteran Service Officer to respond to the AVVA Director of the VSP requests for reports may result in the immediate revocation of accreditation.

3. Any unlawful, unprofessional, or unethical act done in the course of representation of a client or potential client; failure to adhere to AVVA VSP standards of professional competence; or other conduct that brings discredit upon AVVA may be grounds for revocation of accreditation. The due process procedures are applicable to suspensions or revocations in such situations.

**D. Veterans Claims Officers or Veterans Service Officers Appeals of Revocation.** If applicable, the following due process procedures shall be used for revocation of privileges for AVVA Veterans Claims Officer or Veterans Service Officers. There shall be the right to only one appeal. There is no appeal right except those described below.

1. Upon being informed of an act or acts justifying revocation of accreditation, the AVVA Director of the VSP, shall conduct an investigation and present his or her findings and recommendations to the VBC. If the Committee finds revocation is warranted, the Committee Chairman shall instruct the Veterans Service Officer Director to send a letter to the AVVA Veterans Claims Officer or Veterans Service Officer who allegedly committed the act(s), revoking their AVVA accreditation. Such a letter must be sent by certified mail; return receipt requested and must inform the recipient of their right to appeal the revocation. The Veterans Claims Officer or Veterans Service Officer is then required to return all client's or potential clients' records to the AVVA Director of the VSP, or his or her designee. Members of the Committee shall be prohibited from participating in the appellate review process delineated below.

2. The AVVA Veterans Claims Officer or Veterans Service Officer may contest the ground(s) for revocation of accreditation by submitting a written appeal to the AVVA Director of the VSP, which must *be received no later than thirty (30) days after they received the notification of the revocation*. Such an appeal must be mailed by certified mail; return receipt requested. Any appeal mailed in any other manner if not received by the AVVA Director of the VSP, for any reason will be deemed to not have been timely received.

3. Upon receipt of the appeal, the AVVA Veterans Benefits Committee shall take the following actions:

(a) Members of the Grievance Committee will perform an evidentiary review, investigate further if necessary, and will make recommendations to the Committee as to what action, denial or reinstatement, should be taken with respect to the appeal.

(b) The Grievance Committee members may grant a personal appearance hearing with the right to cross-examine available witness(es) or such other requested procedures as deemed appropriate and reasonable by the member under the circumstances.

(c) The Committee's decision not to grant a personal appearance may be appealed to the full Committee, which will resolve the issue by majority vote. Expenses incurred as a result of such appeals may be borne by AVVA VSP if approved by the Committee majority. Otherwise, the AVVA Veterans Claims Officer or Veterans Service Officer must tender the costs, to be reimbursed if there is no adverse action taken.

(d) The Committee will then vote by majority as to what action, denial or reinstatement, should be taken with respect to the appeal.

## **SECTION VIII**

### **SUSPENSION**

**A. Proper Conduct.** It is the desire of the Board of Directors that AVVA's veteran benefits representation be conducted in an environment of honesty and integrity. Recognition of individuals or agencies to perform veteran benefits representation on behalf of AVVA is a privilege of immense responsibility. Those authorized to engage in such activities are to do so lawfully, professionally, ethically and in a manner that does not discredit AVVA. The following procedures are established to suspend the privileges of AVVA Service Representatives, Veterans Claims officer or Veterans Service Officers.



**B. Suspension Responsibility.** The AVVA Director of the VSP, and the Veterans Benefits Committee are charged with oversight responsibility, unless otherwise indicated in this section, in the revocation of privileges for individual AVVA Service Representatives, Veterans Claims Officer and Veterans Service Officers. Individuals that are dually accredited with another organization under a Memorandum of Understanding or Memorandum of Agreement may be subject to additional procedures as outlined in the applicable Agreement.

**C. Suspension of Service Representatives, Veterans Claims Officers or Veterans Service Officers Accreditation.** In certain circumstances Service Representatives, Veterans Claims Officers or Veterans Service Officers accreditation may be suspended by AVVA VSP for a period of up to ninety (90) days. A suspension may be appropriate where a Service Representative or Veterans Service Officer has/is committed/committing an act which is not sufficient enough to warrant a revocation yet is serious enough that remedial measures may be necessary. A suspension may also be invoked during, or to allow for, a thorough investigation. During a suspension remedial measures may also be imposed in the event a Service Representative requires additional training or counseling.

A suspension may be invoked by the AVVA Director of the VSP upon the receipt of credible evidence that a Service Representative or Veterans Service Officer is engaging in, or possibly engaging in, acts that may discredit AVVA or possibly jeopardize a clients claim or appeal. Upon receipt of credible evidence the AVVA Director of the Veterans Service Program will consult with the Chair of the Veterans Benefits Committee.

**Once a suspension is initiated, the suspended Service Officer and the sponsoring State Association's President/Representative or Chapter President/Representative shall be notified in writing by certified mail, return receipt requested, of the reason/s for the suspension and the length of the suspension.**

**A suspended Service Officer must comply with the instructions of the AVVA Director of the VSP and Veterans Benefits Program, regarding access to documents and information concerning the Service Officer's clients, to facilitate their representation by another Service Officer during the period of the suspension.**

**D. Appeals of Suspension.** As a suspension is of a short duration and of a fixed time there shall be no right to appeal a suspension. Should it come to light that the suspension was unnecessary or if the situation has been rectified a suspension may be lifted and the Service Representative, Veterans Claims Officer or Veterans Service Officer fully reinstated. During the course of a suspension, if warranted, a revocation may also be initiated.

**E. Non-Exclusion of Other Action.** Action taken under this Section shall not preclude the AVVA Code of Disciplinary Procedure.

## SECTION IX

### RESTRICTIONS

**A. Membership Solicitation.** At all levels of the AVVA service structure, solicitation of membership in AVVA by Service Representatives, Veterans Claims Officers or Veterans Service Officers of persons for whom AVVA holds power of attorney or who are asking to be represented by AVVA is strictly prohibited. However, Service Representatives or Veteran Service Officers may place AVVA promotional literature (including membership brochures) in an area accessible to clients or potential clients.

**B. Contribution Solicitation.** AVVA Service Representatives, Veterans Claims Officers or Veterans Service Officers may not accept fees, contributions or gifts from clients in exchange for services rendered. The solicitation by Service Representatives, Veterans Claims Officers or Veterans Service Officers of contributions to AVVA Associations, Inc., AVVA State Representatives or Chapters, from clients before, during, or after the rendering of representation is strictly prohibited. If they receive unsolicited contributions to AVVA, Inc., AVVA Associations and AVVA Chapters from clients, the following will apply:

1. Gifts of this nature are considered to be restricted funds. Their acceptance from the donor must be based on the understanding that the funds will be used to further AVVA's veteran's benefits representation.

**C. Client Confidentiality.** The purpose of this policy is to assure all protected information is safeguarded from unauthorized access or use. Protected information can be written, oral or electronic.

**1. Definitions:**

**Client Information:** This category of information includes data that has been collected on any individual, or provided by any individual, who uses, or intends to use, the services offered by any individual affiliated with the AVVA VSP.

**Demographic Information:** Data used to describe the basic elements of an individual's vital statistics, (i.e. address, birth date, telephone number, VA claims number, Social Security Number, Service Number, etc.)

**Veteran/Client Information:** Any data that has been received, collected, processed, or stored in any form regarding the past, present or future health status for individuals who have or intended to use services offered by the AVVA VSP.

The term “protected information” includes a multitude of information known as a result of representing or potentially representing a veteran or a veteran family member. All categories of client information – including, but not limited to the health, demographic or financial information of one’s family, friends, co-workers, patients, others, or own self are privileged and confidential. Non-veteran information such as client information is also protected under this policy. As such, specific limitations are in place to control access to, and use or communication of, these types of information.

Access to information is restricted to those with an authorized need-to-know. Accessing information from verbal, written, or electronic sources to gain information is authorized only to the extent that the information is required to fulfill one’s work-related responsibilities. Once an authorized individual has gained access to protected information, its further use and disclosure is also strictly limited. Communication of information to other authorized individuals is made only in secured environments in order to avoid other intentional or other unintentional release of information to unauthorized individuals.

Supporting policies and procedures must be in place in every office handling AVVA veteran benefits representation to physically limit access to information based upon security codes, passwords and lockable storage throughout all applicable offices. As outlined in these specific policies and procedures, sharing of passwords and security codes are expressly prohibited. Employees, volunteers and clients, or other concerned parties are encouraged to report any real or perceived risks to information privacy to the AVVA Director of the VSP.

Under no circumstances will an AVVA Service Representative, Veterans Claims Officers or Veterans Service Officer give access to clients’ files, (or information contained therein) to any individual without obtaining prior written consent of the client. The unauthorized disclosure of the contents of a clients file to third parties conveyed either in writing or verbally, is strictly prohibited. However, the routine transfer of documents or communication of information among the appropriate professionals, for the express purpose of service to the client, shall not be deemed to be in conflict with the preceding prohibition.

Failure to keep information private and secure as outlined in this document, either intentionally or unintentionally, subjects the negligent individual to sanctions as deemed appropriate by the Veterans Service Officer Director of the Veterans Service Program and/or VBC.

Additional information and training may be provided by various VA regional offices. Requests for information and training may be directed to the regional office security officer or director.

**D. Use of VA facilities.** Under no circumstances, either formally or informally, will an AVVA accredited or non-accredited advocate solicit from any VA facility or VA

employee sponsorship of AVVA veterans benefits representation without obtaining prior written consent from the AVVA Director of the VSP. The ongoing use of VA office space, telephone service, mail service, or other services to facilitate the representation of clients by AVVA Service Representatives or Veterans Service Officer requires the prior written approval of the Veterans Service Officer Director of the AVVA Veterans Service Program.

**E. Unauthorized Use of Titles.** The use of titles, indicating that an individual is an AVVA Service Representative, Veterans Claims Officer or Veterans Service Officer, is strictly limited to those individuals who have been so recognized by AVVA VSP. The unauthorized use of these titles by AVVA members is prohibited and may be cause for action under the AVVA Code of Disciplinary Procedure.

**F. Business Card.** A standardized business card shall be used by AVVA Service Representatives, Veterans Claims Officer or Veterans Service Officers. The format attached to these policies shall be followed:

1. AVVA National Logo in upper left corner;
2. Under name, the title Service Representative, Veterans Claims Officer or Veterans Service Officer will be the only title used. No other wording is authorized;
3. Address where the Service Representative, Veterans Claims Officer or Veterans Service Officer will be available to see clients in the lower left hand corner (office hours, if applicable, below it); and
4. Office phone or phone number where the Service Representative, Veterans Claims Officer or Veterans Service Officer can be reached in the lower right corner (with optional home phone, if different, below). The Service Representative, Veterans Claims Officer or Veterans Service Officer may not list any other titles, degrees or awards on the card without the permission of the AVVA VSP.

H. **Sample Service Representative Business Card.**

Front of Card

National Logo	Email
Associates of Vietnam Veterans of America, Inc.	
<u>NAME</u>	
Service Representative Veterans Claims Officer (Veterans Service Officer)	
Address Office Hours (optional)	Office Phone Home Phone (optional)

**SECTION X**

**CERTIFICATE OF COMPLETION**

Upon attending the Vietnam Veterans of America's (VVA) Basic Training and successfully completing the written examination to become a Service Representative a Certificate of Completion will be awarded to those who become active AVVA Service Representatives, Veterans Claims Officer or Veterans Service Officers. All persons attending training shall be approved by the AVVA Director of the VSP and/or the AVVA VBC.

**SECTION XI**

**CONTINUING EDUCATION**

AVVA Service Representatives, Veterans Claims Officers or Veterans Service Officers are required to take and pass advance training every two years or attend training every year to maintain their accreditation.

## SECTION XII

### QUARTERLY REPORTING

- A. All AVVA accredited Veterans Claims Officers and Veterans Service Officers, regardless of their employer or volunteer status, are required to submit to the AVVA Director of Veterans Service Program a quarterly report in a format prescribed by AVVA VSP.
- B. If an AVVA Veterans Service Officer and/or Veterans Claims Officer fails to file two (2) consecutive Quarterly Reports within the time limits (45 days after the end of each quarter), his or her accreditation will be subject to revocation.

## SECTION XIII

### INCORPORATION BY REFERENCE

All VSP personnel must abide by the policies and procedures as provided in this document. This document incorporates by reference the AVVA By Laws and the AVVA Disciplinary Policies and Procedures. All VSP personnel must also adhere to the policies and procedures as provided in these publications. Additionally, all VSP personnel *must* also adhere to and comply with all local, state and Federal laws including equal employment, anti-discrimination and sexual harassment laws, rules and regulations. The AVVA policies regarding these issues are as follows:

- A. Policy of Equal Employment Opportunity.** It is the general policy of the AVVA to provide equal employment opportunity to all employees and volunteers and applicants for employment and volunteer opportunities. The AVVA prohibits any discrimination against any employee or volunteer on the basis of race, sex, creed, color, religion, national or ethnic origin, citizenship status, political affiliation, age, disability, marital status or family responsibilities or sexual orientation. The prohibition of discrimination includes all decisions affecting hiring, promotion, termination, compensation or benefits.
- B. Anti-Discrimination Policy.** Any employee or volunteer who believes that he/she has been the victim of discrimination, harassment, or offensive communications related to race, creed, color, religion, national or ethnic origin, citizenship status, political affiliation, age, disability, marital status or family responsibility or sexual orientation should report the matter at once to the Veterans Service Officer Director of the Veterans Service Program. The AVVA Director of the VSP will conduct (or have conducted) a prompt investigation of all such complaints, which will be conducted in as much of a confidential manner as possible. If the complaint concerns the AVVA Director of VSP, an individual may contact the Chair of the AVVA Benefits Committee.

There will be no retaliation or reprisal against any employee for making such report or for filing any discrimination charge with any federal, state or local agency. Any individual who is found, after appropriate investigation, to have violated any of the AVVA anti-discrimination policies will be subject to appropriate disciplinary action.

**C. Sexual Harassment Policy.** All individuals involved in, or under the supervision of, the VSP have a responsibility to maintain an environment free of any form of harassment, including sexual harassment. No employee or supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's or volunteer's refusal to submit to sexual advances will adversely affect his or her employment or career advancement. In addition, no individual is to favor in any way an applicant, client, employee or veteran because that person has performed or shown a willingness to perform sexual favors for the supervisor. Other sexually harassing conduct in the workplace, whether by supervisors or non-supervisory personnel, is also prohibited. Such conduct includes any abusive or degrading verbal or physical conduct or contact of an offensive nature, and any conduct that has the purpose or effect of interfering with any employee's work performance or creating an intimidating, hostile, or offensive work environment.

#### **SECTION XIV:**

#### **ACKNOWLEDGMENT OF POLICIES**

I have received a copy of the AVVA Veterans Benefits Program Policies and agree to be bound by them. If I am a dually-accredited service officer, I agree to be bound by the AVVA Veterans Benefits Program Policies unless the Memorandum of Understanding between my veteran's organization and AVVA expressly supersedes a policy.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**END OF DOCUMENT**