LWP CONNECTION JULY 2015

VA PENSION CLAIMS: WHAT TO INCLUDE AND EXCLUDE

Sabrina A. Scott, VA Production Coordinator, Lawyers with Purpose, LLC

A successful VA pension claim depends on the inclusion of the right VA forms as well as their correct completion. This is particularly important in the case of the Fully Developed Claim (FDC) Program, which is the relatively quicker claim adjudication process in comparison with the Standard Claim Process. **However, how important are the lesser-discussed verification documents to a claim's success?** These supporting players may be more important than you realize.

To ensure consistency with files, we recommend that firms provide a checklist of necessary documents for each client to gather for review before each consultation. The requested items include biographical data, income and asset verification and current estate planning documents. The more complete the response is to this checklist, the more accurate and effective our evaluation and recommendations are to the client.

More importantly, however, is having the documentation to submit with a VA claim for pension with aid and attendance. Instructions on the VA Forms 21-527EZ and 21-534EZ stipulate, "submit simultaneously with your claim all necessary income and net-worth information." If you fail to submit the proper supporting documentation, the VA will delay or deny the claim. The instructions for these forms further state, "It is your responsibility to make sure we receive all requested records that are not in the possession of a Federal department or agency."

One of the most important supporting documents is proof that the veteran was indeed a wartime veteran. The most common way of verifying this is by submitting the discharge paper, commonly the DD-214. In the absence of any formal record of service, you can use a "buddy affidavit," in which a fellow service member attests to having served with the veteran. The VA should attempt to confirm service if you do not submit this documentation; however, it is incumbent upon you to do your best to provide this, as your claim will not proceed until this aspect of eligibility is confirmed.

Records documenting marital history also may cause issues when they are omitted. You should obtain marriage certificates, divorce decrees, and death certificates of all previous spouses for both the veteran and his or her spouse. The reason for this is that the VA must ensure it is paying the correct amount of monthly pension and that payment is going to a qualified beneficiary.

Knowing which documents to include is important. Just as important is knowing which documents NOT to include. The Improved Pension program with aid and attendance is "means" based, so it requires the applicant to meet certain income and asset limitations. We recommend that you provide verification of all income and assets from the date of eligibility (the effective date). The VA may only consider the claimant's net worth and income as of the effective date, which is determined by when the claim was submitted, or when an intent to file a claim was submitted. Any financial documents pertaining to net worth or income prior to the effective date are irrelevant to the claim process, pursuant to Title 38 of the Code of Federal Regulations §3.400, which states, "Except as otherwise provided, the effective date of an evaluation and award of pension, compensation or dependency and indemnity compensation based on an original claim, a claim reopened after final disallowance, or a claim for increase will be the date of receipt of the claim or the date entitlement arose, whichever is the later." In fact, the adjudication manual M21-1MR, Part V, iii, 1, E 33n, specifically states, "Do not count income received before the effective date of an original or reopened award. (For death pension cases, do not count income received between the effective date and the date of the veteran's death.) The effective date is the date a claimant is entitled to benefits without regard to 38 CFR 3.31." You can use the latter citation when responding to VA requests regarding the prior year's income when it occurred before the effective date.

When completing an application for VA benefits, ensure that you do three things:

1. Use the correct forms.
2. Complete the forms correctly.
3. Provide all of the necessary verification documents.

"I CAN SEE THAT I CAN REALLY DO THIS.
I CAN TRANSFORM MY PRACTICE BEING A MEMBER OF LWP." JEFF MILLER
Practice With Purpose Attendee, St. Louis, MO

I AM NOT AFRAID

Victoria L. Collier, Co-founder Lawyers With Purpose, LLC

I hate conflict. Yes, I am a lawyer and, no, I do not like conflict. When I was a child, I was extremely withdrawn and shy. My mother left my father, brother and me when I was two years old. My father remarried when I was six, and my stepmother was very strong in personality and discipline. That same year, my mother committed suicide. I learned that if I kept my head down and my mouth shut, I would be left alone. I learned to avoid conflict. But, in exchange, I never learned how to express myself or my feelings. In high school, I was forced to write journals and took that opportunity to push the limits on sharing my feelings, but without confrontation. These behaviors served me well when I enlisted in the United States Air Force. Keep your head down, say "Yes, sir" and keep your mouth shut otherwise.

Because of that, when I started my law practice right out of law school, I was woefully unprepared to manage a business with employees. I was not initially great at hiring employees. I was even worse at firing them.

I was afraid of hurting their feelings. I was afraid they would not find a new job (which made me feel responsible for their financial demise). I was afraid I would not find a suitable replacement. I was afraid they would quit before I was ready to fire them. I was afraid of running my business without them. But most of all, I was afraid to even discuss small problems with them.

For example, when an employee was coming in late regularly, instead of raising this issue, I would internally justify that they were working over lunch or working late. While that sounds reasonable, it isn't, actually, because the other employees get the perception that it is OK to come in late. Everyone then starts to dribble into the office at their own discretion. Consistency is gone. Efficiency is gone. Eventually, morale is gone.

Over the years, I have read a lot of books on hiring and firing. That helped tremendously. But what helped more was the moment when I realized that, while I was trying to avoid external conflict with my associates and team members, I was actually in a ton of internal conflict with myself. The internal conflict carried a lot of stress and negative baggage that continued to build each day as I "kept my head down and my mouth shut" until I imploded. Implosion destroys relationships, and it is not constructive.

Today, for many reasons, to include the fact that I have learned through the systems and processes of Lawyers with Purpose to run my law practice like a business and take the "emotional" equation out of it, I am no longer afraid of having constructive discussions with my team, together or individually. When I am experiencing internal conflict, so are they. Someone needs to be the leader to initiate these difficult but necessary conversations. In many cases, the issue will be beautifully resolved and jobs maintained. In other cases, when team members leave, it is best for both the firm and the former employee.

Without the conflict, we can all better focus our energy on productivity and profitability. I am no longer afraid. Now, I challenge myself to have the conversation swiftly and confidently that leads to success. Before each necessary conversation, say to yourself: **"This is to OUR success!"**

For training on how to initiate a Crucial Conversation reference the workbook from the 90 minute keynote presented at the Tri-Annual Practice Enhancement Retreat in St. Louis. To grow the strength of your team to improve efficiency and profitability, join Lawyers with Purpose!

SAVE THE DATE: OCTOBER 19TH - 23RD, PHOENIX, AZ

We're already planning and prepping for the October estate planning event. Are you? Get it in your calendar now! Here is just some of what we have to offer:

- Practice With Purpose – Monday October 19th – Wednesday October 21st
- Tri-Annual Practice Enhancement Retreat – Wednesday October 21st – Friday October 23rd
- Just A Few Not to Miss Focus sessions Wednesday October 21st – Thursday October 22nd:
  - Veteran's Benefits Changes
  - Adding an Associate – How to bring an Associate into your Practice With Purpose and maintain standards
  - The 90-minute Book - How to Get Published
  - How to Hire and How to Fire with Confidence

Are you stuck? Mark your calendar now & get in the room. You WILL have a breakthrough.

FOR ESTATE AND ELDER LAW INDUSTRY LEADING TOOLS & TECHNIQUES MAKE SURE YOU ARE READING OUR BLOG

HTTP://BLOG.LAWYERSWITHPURPOSE.COM

MEMBER OF THE MONTH

Jackie Bedard
Cary, NC

What is the greatest success you've had since joining LWP?
Building a great team that's committed to our goals.

What is your favorite LWP tool?
Moving to the cloud-based Actionstep system last year has made it so much easier to work from home and/or check in on things when I'm traveling. I can even log in during an RMS meeting if I want to check a particular client's status if the advisor asks.

How has being part of LWP impacted your team and your practice?
The LWP tools allow us to operate efficiently and in an organized manner. Our clients and referral sources regularly compliment us on our organization and thoroughness.

EVENTS NOT TO BE MISSED

Member Events

Every Monday - 4:00 PM EDT - **Live Case Study Review**

July 10 - 12:00 PM EDT - **Marketing Roundtable** with **AVVO**

July 15 -12:00 PM EDT - **Veterans Marketing** - Christmas in July

Non-Member Events

July 23 - 2:00 PM EDT - **Having the Time to Have it All**

July 29 - 5:00 PM EDT - **Introducing the First Estate Planning Software in the Cloud**

To register for an event, visit our events page
LawyersWithPurpose.com/Events-for-Lawyers.php

LAWYERS WITH PURPOSE
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SAVE THE DATE - JULY 29TH AT 5 EST

THE MOST IMPORTANT WEBINAR FOR YOU TO ATTEND ON THE ONLY ESTATE AND ELDER LAW PRACTICE MANAGEMENT CLOUD BASED SYSTEM

LWP-CCS is NOW INTEGRATED into Actionstep! Creating one-portal entry for all practice management and document drafting. We will host a webinar on July 29th at 5:00 PM EDT to "see what's new."

LWP-Actionstep is the premium practice management and accounting system that is 100% cloud based. It has everything you need to run your firm: Find Clients (CRM), Get Work Done (Matters), Get Work Out the Door (Trust Drafting Software) and Get Paid (Accounting). LWP-Actionstep's "secret sauce" is its workflow, allowing you to automate your practice resulting in lower costs and higher quality output.

To reserve your spot today, visit the Events Calendar on the LWP Website.

www.LawyersWithPurpose.com/Events-for-Lawyers.php