

**IN THE UNITED STATES COURT OF APPEALS  
FOR VETERANS CLAIMS**

<b>VETERANS LEGAL ADVOCACY GROUP,</b>	)	
	)	
	)	
Petitioner,	)	
	)	
v.	)	Vet. App. No. 20-8291
	)	
<b>DENIS MCDONOUGH,</b>	)	
Secretary of Veterans Affairs,	)	
	)	
Respondent.	)	

**TABLE OF CONTENTS FOR SECRETARY'S RESPONSE  
TO COURT ORDER DATED NOVEMBER 5, 2021**

Pursuant to U.S. Vet. App. Interim E-Rule 7, the Secretary hereby provides a table of contents for the attachments to his response to the Court's order.

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<b>DENIS MCDONOUGH,</b>	)	
Secretary of Veterans Affairs,	)	
	)	
Respondent.	)	

**SECRETARY’S RESPONSE TO THE COURT’S NOVEMBER 5, 2021, ORDER**

Pursuant to the Court’s November 5, 2021, Order, Respondent, Dennis McDonough (Secretary), respectfully submits the following in response to the Court’s inquiry about whether the Department of Veterans Affairs (VA) has updated the address for Petitioner, Veterans Legal Advocacy Group (VetLAG) within its central database.

On November 12, 2021, Petitioner supplied the Secretary with the list of its current clients. In doing so, Petitioner provided the names and claims file numbers for clients associated with both VetLAG, and a second firm, Sutton Snipes. Petitioner identified the following attorneys associated with VetLAG at the Arlington, V.A. address: Harold Hoffman, Max Farris, and Meghan Gentile. Petitioner also noted, that although employees of VetLAG, Evan Snipes and Britney Sutton receive mail at a second, Greensboro, N.C. address. In total, Petitioner provided the names and claims file numbers of 223 clients: 135 of which

Petitioner requested that VA confirm the mailing address was that of VetLAG in Arlington, V.A., and 88 of which Petitioner requested that VA confirm the address was that of Sutton Snipes, in Greensboro, N.C.

The Secretary confirmed that 203 clients were properly associated with the mailing address specified by Petitioner in his November 12 correspondence. However, clarification was needed as to the identities and relationship between Petitioner and 20 of the identified veterans. Therefore, on December 16, 2021, the Secretary reached out to Petitioner seeking clarification as to 20 of the clients provided by Petitioner. Specifically, the Secretary inquired about six claimants who had passed away prior to Petitioner's submission of its list of clients, as well as clients whose electronic record indicated that a VA Form 21-22a had been submitted, but elected a different power of attorney (POA) than either VetLAG or Sutton Snipes.

In response, on December 27, 2021, Petitioner supplied responses to the Secretary's inquiry. However, these answers were inadequate to confirm a proper relationship between the named client and any of the attorneys associated with VetLAG as identified by Petitioner.<sup>1</sup> The Secretary sought further clarification on January 4, 2022. Petitioner responded further clarifying that eight clients were no

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<sup>1</sup> For example, during the address confirmation process, it was discovered that a number of identified clients seemingly revoked Petitioner as their representative by filing updated VA Forms 21-22a, naming new representatives. Petitioner has not provided any documentation that they have been reinstated (or there was error in this revocation).

longer represented by VetLAG and provided updated paperwork and information for two clients. Petitioner was unable to provide updated paperwork for 10 clients. As a result, at the time of this filing, the Secretary is unable to confirm that the addresses for 10 of the clients identified by Petitioner reflect the correct address for Petitioner, as the relationship remains unclear.

Aside from these 10 individuals, the Secretary can confirm that VA has updated the mailing addresses within the Veterans Benefits Administration's Corporate Database for both VetLAG and Sutton Snipes clients, as attested to in the attached declarations.

Additionally, the Secretary responds that the Agency has issued Office of Business Integration (OBI) Fact Sheet 21-03 which provides guidance for updating mailing addresses in the Veterans Benefits Administration's (VBA) Corporate database and in the Office of General Counsel (OGC) Accreditation, Discipline, & Fees database. See Exhibit A. The OBI Fact Sheet is available at <https://www.va.gov/ogc/accreditation.asp>.

**WHEREFORE**, Respondent, Denis McDonough, Secretary of Veterans Affairs, respectfully responds to the Court's November 5, 2021, Order.

Respectfully submitted,

**RICHARD A. SAUBER**  
General Counsel

**MARY ANN FLYNN**  
Chief Counsel

/s/ Megan C. Kral

**MEGAN C. KRAL**

Deputy Chief Counsel

/s/ Melissa A. Timbers

**MELISSA A. TIMBERS**

Senior Appellate Attorney

Office of General Counsel (027L)

U.S. Department of Veterans Affairs

810 Vermont Avenue, N.W.

Washington, D.C. 20420

(202) 632-4712

Attorneys for Respondent Secretary  
of Veterans Affairs

# Exhibit A



## FACT SHEET

### Process for Accredited Attorney and Claims Agent Contact Change Requests

#### BACKGROUND

This Office of Business Integration (OBI) Fact Sheet provides guidance for updating mailing addresses in the Veterans Benefits Administration (VBA) Corporate database and in the Office of General Counsel (OGC) Accreditation, Discipline, & Fees database. The attorney or claims agent should initiate contact information updates with **both** VBA and OGC.

#### GUIDANCE

To initiate an address change with VA, an accredited attorney or claims agent needs to update contact information in the VBA Corporate database and in the OGC Accreditation, Discipline, & Fees database. Each individual attorney or claims agent must submit their own change of contact information request.

##### VBA Corporate Database

To update contact information in the VBA Corporate database, the accredited attorney or claims agent needs to open an incident ticket in the Office of Information Technology (OI&T) YourIT system. Contact the YourIT service desk at [YourIT@va.gov](mailto:YourIT@va.gov) and include the following information:

- Representative POA code
- Name of attorney or claims agent
- Role: Attorney or Claims Agent
- New Representative contact information:
  - Address
  - Phone
  - Fax
  - Email
- Request that the ticket be routed to the VBA Corporate Database (VBA CORP DA) team for processing.

\*If you do not know your POA code, it may be located through a name search at <https://www.va.gov/ogc/apps/accreditation/index.asp>.

After the request is submitted, YourIT will provide a ticket number for tracking purposes.

To expedite the process, send an email to [vbaco\\_rfia@va.gov](mailto:vbaco_rfia@va.gov) (“underscore between”) and include your YourIT ticket number.

### OGC Accreditation, Discipline, & Fees Database

To update contact information in OGC’s Accreditation, Discipline, & Fees database, the accredited attorney or claims agent should contact OGC at [ogcaccreditationmailbox@va.gov](mailto:ogcaccreditationmailbox@va.gov) and include the following information:

- Representative POA code
- Name of attorney or claims agent
- Role: Attorney or Claims Agent
- New Representative contact information:
  - Address
  - Phone
  - Fax
  - Email

### **NEXT STEPS**

The YourIT service desk will process the request for a change in the VBA Corporate database within 14 business days. To check on the status of the request, contact the National Service Desk at 1-855-673-4357 and provide the ticket number.

OGC generally processes address changes within 72 hours. To verify that the correct address is on file with OGC, go to <https://www.va.gov/ogc/apps/accreditation/index.asp>.

### **CONTACT**

For additional questions on updating contact information in VBA’s Corporate database, please send inquiries to the OBI Corporate mailbox at [obi.vbaco@va.gov](mailto:obi.vbaco@va.gov).

For additional questions on updating your contact information in OGC’s Accreditation, Discipline, & Fees database, please send inquiries to the OGC accreditation mailbox at [ogcaccreditationmailbox@va.gov](mailto:ogcaccreditationmailbox@va.gov).



# Exhibit B



The U.S. Department  
of Veterans Affairs

General Counsel  
Washington, DC 20420

## **DECLARATION OF RICHARD A. SAUBER**

I, Richard A. Sauber, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury the following:

- I. I am the General Counsel for the Department of Veterans Affairs (VA). This declaration is in response to the U.S. Court of Appeals for Veterans Claims November 5, 2021, Order, in the matter of *Veterans Legal Advocacy Group (VetLAG) v. McDonough*, No., Vet.App. No. 20-8291. The facts attested to herein are based on information supplied to me by my direct reports with knowledge of the matters discussed below.
- II. The Court has ordered the Secretary to respond to the following questions:
  - a. Whether VA uses the addresses within the VA central database for all correspondence related to veterans' benefits, to include correspondence from the regional offices, Board, and General Counsel's office.
  - b. Whether VLAG's correct Arlington, Virginia, address is within the VA central database and associated with all attorneys identified in the petition and all clients identified by VLAG in its response to this order.
  - c. Explain the policy purportedly developed by VA to be published on its website as guidance to ensure that attorneys generally, and VLAG specifically, have the information necessary to update their addresses in a manner that VA will implement Agency-wide, including the exact process for attorneys to update their addresses to ensure that VA properly updates an address for all Agency purposes.

III. On behalf of the Office of General Counsel, I hereby answer:

- a. VA's central database, referred to as, Veteran Benefits Administration's (VBA) Corporate Database, contains the names and addresses for veterans and their power of attorney (POA), if elected, who have initiated benefits claims.

For appeals before both this Court and the U.S. Court of Appeals for the Federal Circuit, the Office of General Counsel uses the addresses for appellants and their attorneys as provided to those courts and maintained on the courts' dockets for any required correspondence.

For correspondence from VA originating with the Office of General Counsel, particularly that from the Accreditation, Discipline, and Fees Program (Accreditation Program), POA addresses are used from the Accreditation Program database.

- b. The Office of General Counsel does not maintain the VBA Corporate Database, therefore, use of the information in that database by VBA and the Board of Veterans' Appeals is not within my personal knowledge. However, the addresses identified for the attorneys associated with VetLAG contained in the Accreditation Program's database match those provided by VetLAG and are the same as those in the VBA Corporate Database.
- c. The Office of General Counsel, along with VBA and the Office of Business Integration (OBI), have announced a process for accredited attorneys and claims agents to initiate contact change requests. See attached OBI Fact Sheet. As outlined in the OBI Fact Sheet, an accredited attorney or claims agent must update contact information in the VBA Corporate Database and with the Accreditation Program. Each individual attorney or claims agent must submit their own change of contact information request. To initiate this process with VBA, the accredited attorney or claims agent must open an incident ticket in the Office of Information Technology (OI&T) YourIT system by contacting the YourIT service desk at [YourIT@va.gov](mailto:YourIT@va.gov) and providing the following information:

- Representative POA code
- Name of attorney or claims agent
- Role: Attorney or Claims Agent
- New Representative contact information:
  - Address
  - Phone
  - Fax
  - Email
- Request that the ticket be routed to the VBA Corporate Database (VBA CORP DA) team for processing.

The Fact Sheet states that the YourIT service desk will process the request for a change in the VBA Corporate database within 14 business days.

To initiate this process of updating contact information with the Accreditation Program, the attorney or claims agent should contact the Office of General Counsel at [ogcaccréditationmailbox@va.gov](mailto:ogcaccréditationmailbox@va.gov) and include the following information:

- Representative POA code
- Name of attorney or claims agent
- Role: Attorney or Claims Agent
- New Representative contact information:
  - Address
  - Phone
  - Fax
  - Email

The Fact Sheet states that OGC generally processes address changes within 72 hours.

This information will be available at  
<https://www.va.gov/ogc/accreditation.asp>

I certify, under penalty of perjury under the laws of the United States, that the foregoing is true and correct.

Executed on January 11, 2022.



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**RICHARD A. SAUBER**

General Counsel  
Office of General Counsel  
U.S. Department of Veterans Affairs  
810 Vermont Avenue, N.W.  
Washington, D.C. 20420

# Exhibit C



**DEPARTMENT OF VETERANS AFFAIRS**  
**Board of Veterans' Appeals**  
**Washington, DC**

**DECLARATION OF CHERYL L. MASON**

I, Cheryl L. Mason, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury the following:

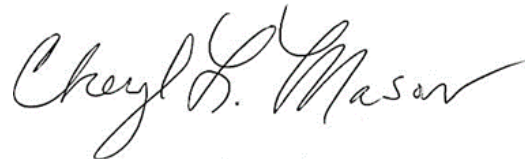
- I. I am the Chairman of the Board of Veterans' Appeals (Board). This declaration is in response to the U.S. Court of Appeals for Veterans Claims, in the matter of *Veterans Legal Advocacy Group (VetLAG) v. McDonough*, No., Vet.App. No. 20-8291, in response to the Court's November 5, 2021, Order. The facts attested to herein are based on my personal knowledge.
- II. The Court has ordered the Secretary to respond to the following questions:
  - a. Whether VA uses the addresses within the VA central database for all correspondence related to veterans' benefits, to include correspondence from the regional offices, Board, and General Counsel's office.
  - b. Whether VLAG's correct Arlington, Virginia, address is within the VA central database and associated with all attorneys identified in the petition and all clients identified by VLAG in its response to this order.
  - c. Explain the policy purportedly developed by VA to be published on its website as guidance to ensure that attorneys generally, and VLAG specifically, have the information necessary to update their addresses in a manner that VA will implement Agency-wide, including the exact process for attorneys to update their addresses to ensure that VA properly updates an address for all Agency purposes
- III. On behalf of the Board, I hereby answer:
  - a. VA's central database, referred to as the Veterans Benefits Administration's (VBA) Corporate Database, contains the names and addresses for all Veterans and their powers of attorney (POA), if elected.

Board correspondence is mailed utilizing the Package Manager program in the Veterans Benefits Management System (VBMS). As a general matter, Package Manager generates correspondence utilizing the addresses stored in VBMS, which uses the addresses contained in VBA's Corporate Database. Correspondence to private representatives requires manual insertion of the representative's address stored in VBMS.

- b. The Board does not maintain VBA's Corporate Database; therefore, this information is not within my personal knowledge.
- c. The Board has reviewed the Office of Business Integration (OBI) Fact Sheet, which outlines the procedures developed by the Office of General Counsel (OGC), VBA, and OBI for an accredited attorney or claims agent to update their contact information in the VBA Corporate Database and with the OGC Accreditation Office.

I certify, under penalty of perjury under the laws of the United States, that the foregoing is true and correct.

Executed on January 7, 2022.

A handwritten signature in black ink, reading "Cheryl L. Mason". The signature is fluid and cursive, with a horizontal line drawn underneath it.

**CHERYL L. MASON**  
Chairman, Board of Veterans'  
Appeals  
U.S. Department of Veterans Affairs  
425 I Street, NW  
Washington, DC 20001



# Exhibit D



DEPARTMENT OF VETERANS AFFAIRS  
WASHINGTON

**DECLARATION OF THOMAS J. MURPHY**

I, Thomas J. Murphy, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury the following:

- I. I am the Director, Northeast District, Performing the Delegable Duties of the Under Secretary for Benefits for the Department of Veterans Affairs (VA). This declaration is in response to the U.S. Court of Appeals for Veterans Claims, in the matter of *Veterans Legal Advocacy Group (VetLAG) v. McDonough*, No., Vet.App. No. 20-8291, in response to the Court's November 5, 2021, Order. The facts attested to herein are based on my personal knowledge.
- II. The Court has ordered the Secretary to respond to the following questions:
  - a. Whether VA uses the addresses within the VA central database for all correspondence related to veterans' benefits, to include correspondence from the regional offices, Board, and General Counsel's office.
  - b. Whether VLAG's correct Arlington, Virginia, address is within the VA central database and associated with all attorneys identified in the petition and all clients identified by VLAG in its response to this order.
  - c. Explain the policy purportedly developed by VA to be published on its website as guidance to ensure that attorneys generally, and VLAG specifically, have the information necessary to update their addresses in a manner that VA will implement Agency-wide, including the exact process for attorneys to update their addresses to ensure that VA properly updates an address for all Agency purposes
- III. On behalf of the Veterans Benefits Administration, I hereby answer:

- a. VA's central database, referred to as, Veteran Benefits Administration's (VBA) Corporate Database, contains the names and addresses for all veterans and their power of attorney (POA), if elected.

For correspondence originating from the offices affiliated with VBA, VBA uses the Corporate Database.

- b. Petitioner supplied the Office of General Counsel with the names and client file numbers of 223 clients: 135 of which have elected an attorney associated with VetLAG at the Arlington address, and an additional 88 clients who have elected individual attorneys associated with a separate law firm, Sutton Snipes. This list of names was then forwarded to VBA. VBA was able to confirm, or update as needed, the mailing addresses for 203 clients identified by Petitioner within the Corporate Database. As explained in the Secretary's response to the Court's November 5, 2021, Order, VBA was unable to confirm or update the addresses for approximately 10 clients.
- c. VBA, along with the Office of General Counsel, and the Office of Business Integration (OBI), have developed a process for accredited attorneys and claims agents to initiate contact change requests. See attached OBI Fact Sheet. As outlined in the OBI Fact Sheet, an accredited attorney or claims agent needs to update contact information in the VBA Corporate Database and with the OGC Accreditation Office. Each individual attorney or claims agent must submit their own change of contact information request. To initiate this process with VBA, the accredited attorney or claims agent needs to open an incident ticket in the Office of Information Technology (OI&T) YourIT system. Contact the YourIT service desk at [YourIT@va.gov](mailto:YourIT@va.gov) and include the following information:
  - Representative POA code
  - Role: Attorney or Claims Agent
  - New Representative contact information:
    - Address
    - Phone
    - Fax

- Email
- Request that the ticket be routed to the VBA Corporate Database (VBA CORP DA) team for processing.

This process will generally take 14 days.

To initiate this process with the Office of Accreditation, the attorney or claims agent should contact OGC at [ogcaccrreditationmailbox@va.gov](mailto:ogcaccrreditationmailbox@va.gov) and include the following information:

- Representative POA code
- Name of attorney or claims agent
- Role: Attorney or Claims Agent
- New Representative contact information:
  - Address
  - Phone
  - Fax
  - Email

This process will generally take 72 hours.

This information is available at  
<https://www.va.gov/ogc/accreditation.asp>

I certify, under penalty of perjury under the laws of the United States, that the foregoing is true and correct.

Executed on January 11, 2022.



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**THOMAS J. MURPHY**

Director, Northeast District,  
Performing the Delegable Duties of  
the Under Secretary for Benefits  
Veteran Benefits Administration  
U.S. Department of Veterans Affairs  
810 Vermont Avenue, N.W.  
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