

**DEPARTMENT OF VETERANS AFFAIRS**



November 17, 2021

ALMA J WEBER  
2914 N 16TH ST  
ROGERS, AR 72756

In Reply Refer To: 397/SA  
XC [REDACTED]  
WEBER, Joe Howard

Dear Alma J Weber:

**Summary of the Case**

You and your client properly filed a valid direct-pay fee agreement with the Department of Veterans Affairs (VA), requesting direct payment of 20% of the award of past-due benefits for fees.

In a Rating Decision dated June 24, 2021, benefits were awarded for the following issue(s):

1. Service connection for Parkinson's disease, to include as due to herbicide exposure is granted with an evaluation of 30 percent effective February 24, 2012.
2. Service connection for loss of use of bilateral hands secondary to Parkinson's disease is granted with an evaluation of 100 percent effective February 24, 2012.
3. Service connection for loss use of the left arm (elbow), secondary to Parkinson's disease due to herbicide exposure is granted with an evaluation of 20 percent effective February 24, 2012.
4. Entitlement to special monthly compensation based on aid and attendance criteria being met is granted from February 24, 2012.
5. Entitlement to an allowance for an automobile or other conveyance and adaptive equipment is established.
6. Entitlement to special home adaptation is established.

The amount of past-due benefits, which is computed from the effective date of the award through the date of the decision, is \$665,668.41. The amount withheld for fees is \$133,133.68, which is 20% of past due benefits.

2

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## Requirements for Direct Payment of Fees

On or after February 19, 2019, agents or attorneys may generally charge for representation provided to claimants or appellants pursuing certain reviews of decisions by agencies of original jurisdiction. These reviews may include supplemental claims, higher-level reviews, notices of disagreement (NODs), or clear and unmistakable errors. For the provisions relating to the payment of fees, see 38 U.S.C. 5904 and 38 CFR 14.636.

Before February 19, 2019 fees were only payable for representation after a notice of NOD was filed with respect to a decision.

For NODs filed on or before June 19, 2007, agents and attorneys could charge only for services provided after both of the following additional conditions have been met:

- The Board of Veterans' Appeals (BVA) promulgated a final decision, and
- The attorney or agent was retained not later than one year following the date of that BVA decision. This condition will be met with respect to all successor attorneys or agents acting in the continuous prosecution of the same matter if the predecessor was hired within the required timeframe. However, this limitation does not apply if the agent or attorney was retained while the case was pending before a court.

If a fee agreement specifies that fees are to be paid directly by VA to an agent or attorney from past due benefits, the following requirements must be met for direct payment of fees:

- The total fee payable cannot exceed 20 percent of past-due benefits.
- The Fee must be contingent on a favorable outcome, and
- The award of past-due benefits must result in a cash payment to the claimant.

## What We Decided and Why

All of the requirements for direct payment of fees have been met. As a result, VA will pay the attorney or agent fees of \$133,133.68. VA will deduct an assessment of \$100.00 from the fees, per 38 U.S.C 5904(a)(6).

## What You Should Do If You Disagree With Our Decision

If you do not agree with this *contested claim decision*, you have 60 days from the date of this letter to seek further review in order to preserve your earliest effective benefit date. *The only appeal option for a contested claim is the Appeal to the Board of Veteran Appeals using VA Form 10182.*

3

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Please see the enclosed VA Form 20-0998, *Your Rights To Seek Further Review Of Our Decision*. The claimant may obtain any of the required applications by downloading them from [www.va.gov/vaforms](http://www.va.gov/vaforms) or by contacting us. More information about the disagreement process is available at [www.va.gov/decision-reviews](http://www.va.gov/decision-reviews). To obtain or access evidence used in making this decision, please contact us as noted below. Some evidence may be obtained by signing in at [www.va.gov](http://www.va.gov).

### If You Have Questions or Need Assistance

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

<b>If you</b>	<b>Here is what to do.</b>
Telephone	Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.
Use the Internet	Send electronic inquiries through the Internet at <a href="https://iris.custhelp.va.gov">https://iris.custhelp.va.gov</a> .
Write	VA now uses a centralized mail system. For all written communications, put your full name and VA file number in the letter. Please mail all written correspondence to the appropriate address listed on the attached <i>Where to Send Your Correspondence</i> .

In all cases, be sure to refer to VA file number 22 829 546.

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

### What is VA.gov

VA.gov provides electronic resources in a self-service environment to Servicemembers, Veterans, and their families. Use of these resources often helps us serve you faster! Through the VA.gov website you can:

- Submit claims for benefits and/or upload documents directly to the VA
- Request to add or change your dependents
- Update your contact and direct deposit information and view payment history
- Track the status of your claim or appeal
- Obtain verification of military service, civil service preference, or VA benefits
- And much more!

4



Enrolling in VA.gov is easy. Just visit [www.va.gov](http://www.va.gov) for more information. If you submit a claim in the future, consider filing through VA.gov. Filing electronically, especially if you participate in our fully developed claim program, may result in a faster decision than if you submit your claim through the mail.

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

Sincerely yours,

Director

Enclosure(s): VA Form 20-0998  
Where to Send Your Written Correspondence

cc: JOHN B WELLS  
PO BOX 5235  
SLIDELL, LA 70469