



DEPARTMENT OF VETERANS AFFAIRS

November 22, 2021

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In reply, refer to:  
397/DRL  
File Number: 449040955  
ALFRED DALE  
HAMMOCK

To Whom It May Concern:

### Summary of the Case

You and your appointed attorney or agent properly filed a valid direct-pay fee agreement with the Department of Veterans Affairs (VA), requesting direct payment of 20% of your award of past-due benefits to the attorney/agent.

In a Board of Veterans' Appeals Decision dated August 26, 2021, benefits were awarded for the following issue(s):

- Service connection for coronary artery disease s/p coronary artery bypass graft associated with herbicide exposure is granted with a 100 percent evaluation effective February 15, 2013.
- Basic eligibility for Dependents' Educational Assistance is established from February 15, 2013.

The amount of past-due benefits, which is computed from the effective date of the award through the date of the decision, is \$288,103.82. The amount withheld for fees is \$57,620.76, which is 20% of past due benefits.

### 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 an NOD was filed with respect to a decision.

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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 \$57,520.76. 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 the claimant does not agree with this contested claim decision, he/she may file an NOD with BVA within 60 days to preserve the earliest effective benefit date.

Please see the enclosed VA Form 20-0998, *Your Right to Seek 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).

## 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



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- 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!

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.

### If You Have Questions or Need Assistance

If you have any questions or need assistance with this claim, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do.
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 on the letter. Please mail all written correspondence to the appropriate address listed on the attached <i>Where to Send Written Correspondence</i> .

In all cases, be sure to refer to the claimant's VA file number 449040955.

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>.

Sincerely yours,

**Regional Office Director**

Enclosures: Where to Send Written Correspondence  
VA Form 20-0998

