



DEPARTMENT OF VETERANS AFFAIRS

November 22, 2021

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In reply, refer to:  
397/DRL  
File Number: [REDACTED]  
KENT BLASE  
BLANCHARD

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 July 20, 2021, benefits were awarded for the following issue:

- Service connection for dermatitis is granted with an evaluation of 10 percent effective June 21, 2016.

The amount of past-due benefits, which is computed from the effective date of the award through the date of the decision, is \$12,139.01. The amount withheld for fees is \$2,427.80, 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.

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

Page 2

File Number: [REDACTED]  
BLANCHARD, KENT BLASE

- 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 \$2,327.80. 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
- 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

Page 3

File Number: [REDACTED]  
 BLANCHARD, KENT BLASE

- 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 439943479.

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

## Where to Send Your Written Correspondence

In order to properly determine where to send your written correspondence, please first identify your benefit type (Compensation, Veterans Pension, or Survivor Benefits); then, locate the corresponding address based on your location of residence.

For correspondence relating to all **Compensation** claims:

Location of Residence	Address
<b>All United States and Foreign Locations</b>	Department Of Veterans Affairs Evidence Intake Center <b>P.O. Box 4444</b> Janesville, WI, 53547-4444  Or fax your information to: Toll Free: 844-531-7818 Local: 248-524-4260

\*Note: For foreign Veterans Pension and Survivor Benefits please refer to the below addresses.

For correspondence relating to all **Veterans Pension** and **Survivor Benefit** claims:

Location of Residence	Address
Alabama          Kentucky          Missouri Arkansas        Louisiana        Ohio Illinois         Michigan         Tennessee Indiana         Mississippi     Wisconsin	Department Of Veterans Affairs Claims Intake Center Attention: Milwaukee Pension Center <b>P.O. Box 5192</b> Janesville, WI 53547-5192
Alaska          Montana         Texas Arizona         Nebraska        Utah California      Nevada         Washington Colorado      New Mexico     Wyoming Hawaii         North Dakota   Mexico Idaho           Oklahoma       Central America Iowa            Oregon          South America Kansas         South Dakota   Caribbean Minnesota	Department Of Veterans Affairs Claims Intake Center Attention: St. Paul Pension Center <b>P.O. Box 5365</b> Janesville, WI 53547-5365
Connecticut    New Hampshire South Carolina Delaware      New Jersey     Vermont Florida         New York       Virginia Georgia        North Carolina West Virginia Maine           Pennsylvania    District of Maryland      Rhode Island   Columbia Massachusetts Puerto Rico Canada	Department Of Veterans Affairs Claims Intake Center Attention: Philadelphia Pension Center <b>P.O. Box 5206</b> Janesville, WI 53547-5206
Countries outside of North, Central or South America	