

June 19, 2023

Maribel Aponte,  
Office of Enterprise and Integration, Data Governance Analytics (008)  
Veterans Benefits Administration  
810 Vermont Ave., NW  
Washington, DC 20420

Re: OMB Control Number 2900-0321  
Appointment of Veterans Service Organization as Claimant's Representative (VA Form 21-22) and Appointment to Individual as Claimant's Representative (VA Form 21-22a).

Dear Ms. Aponte:

Military-Veterans Advocacy Inc. (MVA) is a tax exempt IRC 501[c][3] organization based in Slidell, Louisiana that works for the benefit of the armed forces and military veterans. Through litigation, legislation and education, MVA works to advance benefits for those who are serving or have served in the military. In support of this, MVA provides support for various legislation on the State and Federal levels as well as engaging in targeted litigation to assist those who are serving or who have served.

As well as legislative advocacy, Military-Veterans Advocacy represents veterans in all facets of the veterans law system. MVA's Director of Litigation is admitted to practice before the Department of Veterans Affairs, the Court of Appeals for Veterans Claims, the Court of Appeals for the Federal Circuit and the Supreme Court of the United States.

The proposed collection of information utilizes existing forms VA Form 21-22 and 21-22a. The existing Form 21-22a is unclear and allows for potential confusion. Additionally, the forms as they exist, can result in the veteran unintentionally discharging an active representative.

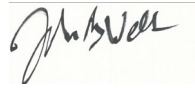
The face of Form 21-22a includes a signature block in Section III for actions taken under Section 38 CFR § 14.630. This constitutes pro bono representation. Representation by a paid attorney is located on page 2 of the form. Unfortunately, since many attorneys do not meet face to face with clients, veterans can become confused. There is a tendency for the veteran to sign the wrong section. Section 14.630 representation should be the subject of a separate form to avoid this confusion and the time and effort expended to re-do and return the form.

Completion of a Form 21-22 will invalidate a Form 21-22a even if they are for different claims. Thus an attorney handling an appeal may be removed from representation by a Form 21-22 executed for an unrelated claim. Since attorneys cannot be hired at the Agency of Original Jurisdiction, it is common to refer the veteran to a VSO to handle initial claims, without intending to withdraw from the existing appeal. To complicate matters, once the Form 21-22 is executed, the VA will not longer talk with the attorney. Both forms need to provide the veteran an opportunity to seek representation on one claim without invalidating representation on an appeal.

Utilization of VA forms should help facilitate the claims process and not make it more

difficult. Countless man hours are expended in revising and resubmitting these forms. Attempting to clarify representation is even more difficult often requiring hours on the telephone, correspondence and unnecessary duplication.

Sincerely,

A handwritten signature in black ink, appearing to read "John B Wells", is centered on a light yellow rectangular background.

John B Wells  
Commander USN (ret)  
Chairman