



DEPARTMENT OF VETERANS AFFAIRS  
Regional Office  
100 SW Main Street  
Floor 2  
Portland OR 97204-2825

December 20, 2012

In reply, refer to:  
[REDACTED]

**IMPORTANT -- reply needed**

Dear Mr. [REDACTED]

We have received information showing that because of your disabilities you may need help in handling your Department of Veterans Affairs (VA) benefits.

This letter explains the evidence we received, what we must do with this information, the impact on you and your VA payments if we decide that you cannot handle your benefits, and when VA will make a final decision.

**What Information Did We Receive?**

We received a report from Portland VA Medical Center on December 3, 2012.

This evidence indicates that you are not able to handle your VA benefit payments because of a physical or mental condition.

**What Will We Do with This Information?**

We propose to rate you incompetent for VA purposes. This means we must decide if you are able to handle your VA benefit payments. We will base our decision on all the evidence we already have including any other evidence you send to us.

Before we make a final determination, you have the right to submit any evidence, information, or statement that presents your side of the case within the next 60 days. Our policy is to assist a person with his or her claim in every reasonable way. We want you to have every benefit that you are entitled to under the law.

**What Happens if You Are Rated Incompetent?**

If VA decides that you are incompetent to handle your benefit payments, VA may appoint a fiduciary (payee) to manage your VA payments. All your VA payments will be made directly to your fiduciary. This person or institution must use your VA payments for your personal care and is responsible to VA for how the payments are used.

A determination of incompetency will prohibit you from purchasing, possessing, receiving, or transporting a firearm or ammunition. If you knowingly violate any of these prohibitions, you may be fined, imprisoned, or both pursuant to the Brady Handgun Violence Prevention Act, Pub.L.No. 103-159, as implemented at 18, United States Code 924(a)(2).

If we decide that you are unable to handle your VA funds, you may apply to this regional office for the relief of prohibitions imposed by the Brady Act with regards to the possession, purchase, receipt, or transportation of a firearm. Submit your request to the address at the top of this letter on the enclosed VA Form 21-4138, *Statement in Support of Claim*. VA will determine whether such relief is warranted.

### **What Should You Do?**

**If You Agree:** You do not need to do anything if you agree that you need help managing your VA money. We will make our final decision, tell you what we decided, and who will be your fiduciary. However, if you want us to make a final decision without waiting the full 60 days, please tell us to do so on the attached VA Form 21-4138, *Statement in Support of Claim*. You should specifically state, "I do not have any evidence to submit and I want you to make a final decision without waiting the entire 60-day due process period."

**If You Disagree:** You must send us medical evidence (such as a doctor's statement) that says you are able to handle your own financial affairs in a responsible manner, if you believe you are able to handle your VA benefits without anyone's help. You should send us this evidence within 60 days from the date at the top of this letter.

**Personal Hearing:** You may request a personal hearing within 30 days from the date at the top of this letter to present evidence or argument on any important point in your claim. We will arrange a time and place for the hearing. You may bring witnesses who have personal knowledge of the circumstances. We will consider their testimony and keep it as part of our permanent records. We will furnish the hearing room, provide hearing officials, and prepare the transcript of the proceedings. We cannot pay for other expenses of the hearing because we hold a personal hearing only upon a claimant's request.

**Representation:** An accredited representative of a veterans' organization or other service organization recognized by the Secretary of Veterans Affairs will represent you without charge. An agent or attorney may also represent you. An agent or attorney can charge you for services performed on or after the date of a final decision by the Board of Veterans Appeals (38 U.S.C. 5904(c)).

### **When Will We Make a Decision?**

If we don't hear from you within the next 60 days, we will assume you have no additional evidence and do not want a hearing. After those 60 days we will make our decision using the evidence we already have and tell you our decision.

## Register Now for eBenefits

As a registered eBenefits user you can access personalized VA information, apply for benefits online, and check VA claim status. For registration information:

- Call 1-800-827-1000 and select option 7 or;
- contact us at [www.ebenefits.va.gov](http://www.ebenefits.va.gov) or;
- visit the VA Regional Office at the address listed at the top of this letter

## How Can You Contact Us?

If you are looking for general information about benefits and eligibility, you should visit our web site at <http://www.va.gov>. Otherwise, you can contact us in several ways. Please give us your VA file number, [REDACTED] when you do contact us.

- Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the number is 1-800-829-4833.
- Send us an inquiry using the Internet at <https://iris.va.gov>.
- Write to us at the address at the top of this letter.

We look forward to resolving your claim in a fair and timely manner.

Sincerely yours,

*K. Kalama*

K. Kalama  
Veterans Service Center Manager  
Enclosure: 21-4138  
cc: OREGON DEPARTMENT OF VETERANS AFFAIRS