

# February 7

Missing document referred to as:

“We have received your typed statement **on February 7**, 2012, stating that you wish to withdraw your claim for \*Skin cancer”  
Jeffrey McAdams, May 10, 2012

“VA withdrew your request for compensation of skin cancer, based on a typed statement that they received on **February 7**, 2012.”  
Brian O’Neil, May 14, 2012

“Statement submitted on **February 7**, 2012 that you would like to withdraw claim for skin cancer.”  
Brian O’Neil, May 17, 2012

“\*VA Form 21-4138, Statement in Support of claim, received **February 7**, 2012”  
T. A. Olson, May 25, 2012

## Questions

- (1) Why would the first mention of a document received on February 7 be made on May 10?
- (2) What is the document trail?
- (3) Who sent it?
- (4) Who appears accountable?
- (5) Why can't the veteran get a copy?

DEPARTMENT OF VETERANS AFFAIRS

Regional Office  
P.O. Box 34790  
Phoenix AZ 85067-4790



May10 (regular mail, mailed May11) Jeffery McAdams to Veteran

May 10, 2012

ANTHONY M OCONNELL  
439 S VISTA DEL RIO  
GREEN VALLEY AZ 85614-2415

In reply, refer to:  
345/PD2/TAS  
File Number: 25 163 990  
Anthony M. Oconnell

**IMPORTANT -- reply needed**

Dear Mr. Oconnell:

**Important Information**

We have received your typed statement on February 7, 2012 stating that you wish to withdraw your claim for:

- **Skin cancer**

We have withdrawn your pending claim at this time. No further action will be taken on your claim.

If you decide to reopen your claim, just state so on the enclosed VA Form 21-4138. If we do not receive this form in the Department of Veterans Affairs within one year from the date of this letter, benefits, if entitlement is established, may not be paid prior to the date of its receipt.

The Pension Management Center will address your claim for Non-Service Connected Pension.

**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, **25 163 990**, 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.

**Trail 2**

Page 2

File Number: 25 163 990  
Anthony M. Oconnell

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

Sincerely yours,

*Jeffrey McAdams*

Jeffrey McAdams  
Veterans Service Center Manager

Enclosures: VA Form 21-4138

cc: ARIZONA DEPARTMENT OF VETERANS' SERVICES



Anthony OConnell <anthonymineroconnell@gmail.com>

# Reference: VA economic pension; please drop skin cancer compensation part of application

3 messages

**Anthony OConnell** <anthonymineroconnell@gmail.com>  
To: Brian O'Neil <boneil@azdvs.gov>  
Bcc: Anthony OConnell <anthonymineroconnell@gmail.com>

Sun, May 13, 2012 at 10:12 PM

May13 (10:12pm) Veteran to Brian O'Neil

Mr. Brian O'Neil,



This is not a complaint but a request for information.

My application for an economic pension has gotten confusing. Would you please send me a copy of what you sent to the Phoenix VA to ask them to drop the skin cancer compensation part of my application? Please send me any and all information you have concerning this application. Please see the attachment.

Thank you

Anthony O'Connell 7637  
439 South Vista Del Rio  
Green Valley, Arizona 85614  
anthonymineroconnell@gmail.com  
(No telephone)

345 PD2/GW  
File number 25 163 990

DropSkinCancer4p.pdf  
75K

**Brian O'Neil** <boneil@azdvs.gov>  
To: Anthony OConnell <anthonymineroconnell@gmail.com>

Mon, May 14, 2012 at 9:21 AM

May15 (1:12am) Veteran to Brian O'Neil

VA withdrew your request for compensation of skin cancer, based on a typed statement that they received on February 7, 2012.

On March 20, 2012, per your request a VA 21-4138 was submitted to the VA. My system shows that two 21-4138's were filled out.

The first stated the following:



To: 345/Triage

From: ARIZONA DEPARTMENT OF VETERANS SERVICES, 240 S Montezuma Street, Suite 208, Prescott  
AZ 86303

Subject: Withdrawal of compensation claim for skin cancer.

The veteran wishes to withdraw his claim for compensation for skin cancer.

This does not affect the veterans claim for Non-Service Connected Pension. Please move forward with the veterans claim for Non-Service Connected Pension.

On the VA 21-526, questions 36A, 36B. and 36C were not checked, the answer for each was "No".

Thank you.

The second one stated the following, and you were provided a copy of it by James Louis, the counselor you saw:

IN RESPONSE TO PHX VARO LETTER DATED JANUARY 24, 2012, THE VETERAN IS  
WITHDRAWING THE COMPENSATION CLAIM FOR SKIN CANCER

PLEASE EXPEDITE THE ADJUDICATION OF HIS NON-SERVICE CONNECTED PENSION BASED  
ON ELIGIBILITY - AGE 65 STATUS

THE VETERAN IS AGE 70 AND CURRENTLY RECEIVES \$538.00 PER MONTH FROM SOCIAL  
SECURITY

THANK YOU FOR YOUR IMMEDIATE ASSISTANCE

POA HELD BY ADVS

THE VETERAN DOES NOT HAVE A TELEPHONE. IF THERE IS A NEED TO CONTACT HIM,  
PLEASE CALL (520) 207-4960 EXT AND SPEAK WITH JAMES LOUIS (POA / ADVS)

On March 20, 2012 the VA system shows they received the Cover Sheet and 21-4138.

As this is now a pension claim, the Phoenix VA Regional Office has closed out the compensation claim as requested, and mailing the claim to the Pension Management Center (PMC) to process the pension. I called the PMC this morning and they have not as yet received it. Once they receive it, they will begin processing it.

I hope this answers your questions.

Brian

✓

**From:** Anthony OConnell [mailto:anthonymineroconnell@gmail.com]  
**Sent:** Sunday, May 13, 2012 10:13 PM  
**To:** Brian O'Neil  
**Subject:** Reference: VA economic pension; please drop skin cancer compensation part of application

[Quoted text hidden]

---

**Anthony OConnell** <anthonymineroconnell@gmail.com>  
To: Brian O'Neil <boneil@azdvs.gov>

Tue, May 15, 2012 at 1:12 AM

Brian,

May15 (1:12am) Veteran to Brian O'Neil

Thank you.

✓

Tony

[Quoted text hidden]



Anthony OConnell <anthonymineroconnell@gmail.com>

# Can the document trail of the January 24, 2012, economic pension application be exposed?

2 messages

**Anthony OConnell** <anthonymineroconnell@gmail.com>

Thu, May 17, 2012 at 4:22 AM

To: Brian O'Neil <boneil@azdvs.gov>

Bcc: Anthony OConnell <anthonymineroconnell@gmail.com>

Brian O'Neil  
240 South Montezuma Street, Suite 208  
Prescott, Arizona 86303

Dear Mr. O'Neil,

This is not a complaint but a request for information. Can the document trail of the January 24, 2012, economic pension application be exposed?

What is the average process time for an economic pension application from a veteran over 65? Is it automatic? If it is not automatic, what part of it is judged?

Thank you.

Anthony O'Connell 7637  
439 South Vista Del Rio  
Green Valley, Arizona 85614  
anthonymineroconnell@gmail.com  
(No telephone)

345 PD2/GW  
VA File number 25 163 99

**Brian O'Neil** <boneil@azdvs.gov>

Thu, May 17, 2012 at 9:05 AM

To: Anthony OConnell <anthonymineroconnell@gmail.com>

May17 (9:05am) Brian O'Neil to Veteran (1 of 2, 20-21 in part1, (contains 4:22 am and 9:05am))

I am not sure what you mean by "exposed".

On January 17, 2012, you came to my office and we filled out your claim. It was mailed to the VA, and it was received by them on January 20, 2012. Shortly thereafter, they requested your claim folder from the location it was being stored at, and that it be sent to the Phoenix VARO.

Statement submitted on February 7, 2012 that you would like to withdraw claim for skin cancer.

On May 7, 2012, your folder was received at the Phoenix VARO from its previous location

VA Letter sent to you on May 10, 2012 that your claim for compensation is withdrawn, and that your claim for pension will be processed at the Pension Management Center.

On May 14, 2012, I contacted to Pension Management Center in regards to your claim. They had not yet received your claim, but stated once they did they will begin working on it.

I looked in the VA system today, your claim folder is still at the Phoenix VARO, waiting to be shipped out. The VA has opened your pension claim, but no work has begun on it.

The average process time for a pension is six to nine months from when the VA starts working on it. It looks at wartime service, income, assets, and whether a veteran is too disabled to work. Being over 65 for VA purposes, is considered a disability. Being over 65 means the VA doesn't have to develop for medical conditions, which means "over 65" claims should not take as long as those who are too disabled to work due to a physical disability. They verify through a request for records from the National Archives, if they don't already have the information in a claim folder, the veterans wartime service, and that they were honorably discharged. They can perform a data match with Social Security, and other sources to confirm that the income and assets that are reported are in fact correct. However, all information is verified to ensure eligibility for the pension, and this does take time.

The VA is currently handling a higher workload than it has ever handled in its history, and unfortunately, they cannot just hire people and throw them in the positions that need to be filled in order for the process to return to the speed that it had a few years ago. The job requires training and experience, which means claims take longer than before. The VA is trying to defray that extra time as much as possible, but it still takes time. While the VA average time is six to nine months for pension claims, they can also take over a year. When the PMC receives your claim, they will send you out a letter, typically in the first month, of what they need from you, if anything. The claim is a process, and there are people who submitted claims before you that the VA has to work through before they get to yours.

I hope this answers your questions.

Brian

**From:** Anthony OConnell [mailto:anthonymineroconnell@gmail.com]

**Sent:** Thursday, May 17, 2012 4:23 AM

**To:** Brian O'Neil

**Subject:** Can the document trail of the January 24, 2012, economic pension application be exposed?

[Quoted text hidden]





**DEPARTMENT OF VETERANS AFFAIRS**  
Regional Office  
Pension Management Center (335/21P)  
Bishop Henry Whipple Fed. Bldg.  
P O Box 11000  
St. Paul MN 55111-0000

**MAY 25 2012**

In Reply Refer To: 335/21P  
C 25 163 990  
OCONNELL, Anthony M

ANTHONY M OCONNELL  
439 S VISTA DEL RIO  
GREEN VALLEY, AZ 85614

**Point B**

Dear Mr. O'Connell:

We made a decision on your claim received January 20, 2012.

This letter tells you about your entitlement amount, payment start date, what we decided, and how we calculated your benefits. It also tells you of your responsibilities as a veteran in receipt of disability pension, what to do if you disagree with our decision, and who to contact if you have questions or need assistance.

### Your Award Amount and Payment Start Date

Your monthly entitlement amount is shown below:

Monthly Entitlement Amount	Payment Start Date	Reason For Change
\$482.00	Feb 1, 2012	Original Award

We are paying you as a single veteran with no dependents.

### You Can Expect Payment

Your payment begins the first day of the month following your effective date. You will receive a payment covering the initial amount due under this award, minus any withholdings, in approximately 15 days. Payment will then be made at the beginning of each month for the prior month. For example, benefits due for May are paid on or about June 1.

### What We Decided

We granted disability pension benefits effective January 20, 2012.

**Decision**



C 25 163 990  
Oconnell, Anthony M

We enclosed a VA Form 21-8768, "Disability Pension Award Attachment" which explains important factors concerning your benefits.

### How Did We Make Our Decision?

We granted pension benefits because you are:

- Age 65 or older, *or*
- A patient in a nursing home, *or*
- In receipt of disability Social Security benefits.

### Evidence Used to Decide Your Claim

In making our decision, in addition to the evidence in the attached rating, we used the following evidence:

- VA Form 21-526, Application for Compensation and/or Pension received January 20, 2012
- VA Form 21-4138, Statement in Support of claim, received February 7, 2012
- Information data match with Social Security Administration (SSA)

### What Income And Expenses Did We Use?

We used your total family income as shown below to award your pension benefit from February 1, 2012.

#### Income We Counted

	Annual Earnings	Annual Social Security	Annual Retirement	Annual Other Sources
Yourself	\$0	\$6,468.00	\$0.00	\$0

On your application, you reported you receive \$523.00 per month in Social Security. A data exchange with the Social Security Administration showed that you received a gross monthly amount of \$839.00 effective December 2011. Therefore, we used that amount to calculate you income for VA purposes effective December 1, 2011. If this is incorrect, please send us a copy of your most recent Social Security benefit statement.

C 25 163 990  
Oconnell, Anthony M

## How Can You Claim Family Medical Expenses?

To claim family medical expenses, complete the enclosed VA Form 21-8416, "Medical Expense Report," and return it to this office *no later than* December 31, 2014. We may consider family medical expenses you paid after January 20, 2012. A few examples are listed below. More examples are shown on the enclosed Medical Expense Report form.

- Medicare/Health Insurance Premiums
- Prescriptions
- Medical/Dental expenses

*Don't include unpaid medical bills, any paid bill that will be reimbursed, or bills that aren't for health expenses.*

## What Are Your Responsibilities?

You are responsible to tell us right away if:

- your income or the income of your dependents changes (e.g., earnings, Social Security benefits, lottery and gambling winnings)
- your net worth increases (e.g., bank accounts, investments, real estate)
- your continuing medical expenses are reduced
- you gain or lose a dependent
- your address or phone number changes

## How Do You Start Direct Deposit?

- Your money may be deposited directly into your checking or savings account. This is the safest and most reliable way to get your money. For more information about Direct Deposit, please call us toll free by dialing 1-877-838-2778.
- The Treasury Department has mandated (31 CFR Part 208) that all Federal benefits be released via electronic funds transfer or Direct Express® Debit MasterCard® issued by Comerica Bank.
- You did not provide us with your banking information to allow your federal benefits to be sent directly to your bank. Although you will receive your initial VA benefit in the form of a paper check, this will only occur for an interim period. You need to contact the Treasury

C 25 163 990  
Oconnell, Anthony M

Department within 3 months from the date of your first check payment to discuss how to receive future payments at 1-800-333-1795.

- If you choose to continue to receive paper checks you will need to request a waiver from the Treasury Department by calling 1-888-224-2950.
- If you choose to have your federal benefits electronically transferred to your designated financial institution (e.g. bank) please call VA at 1-800-827-1000 with your banking information.
- If you choose to have your federal benefits issued through Direct Express®, which is a MasterCard® issued by Comerica Bank, please call 1-800-333-1795.

### **Are You Entitled to Additional Benefits?**

You should contact your State office of veteran's affairs for information on any tax, license, or fee-related benefits for which you may be eligible as a veteran (or surviving dependent of a veteran). State offices of veteran's affairs are available at <http://www.va.gov/statedva.htm>.

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

If you do not agree with our decision, you should write and tell us why. You have *one year from the date of this letter to appeal the decision*. The enclosed *VA Form 4107, "Your Rights to Appeal Our Decision,"* explains your right to appeal.

### **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 1-877-294-6380. If you use a Telecommunications Device for the Deaf (TDD), the number is 711.
Use the Internet	Send electronic inquiries through the Internet at <a href="https://iris.va.gov">https://iris.va.gov</a> .
Write	Put your full name and VA file number on the letter. Please send all correspondence to the address at the top of this letter.

In all cases, be sure to refer to your VA file number 25 163 990.

5

C 25 163 990  
Oconnell, Anthony M

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.va.gov>.

We sent a copy of this letter to your representative, Arizona Department of Veterans' Services, whom you can also contact if you have questions or need assistance.

Sincerely yours,

T. A. OLSON  
Pension Management Center Manager

Contact us at: <https://iris.va.gov>

Enclosure(s): VA Form 21-8768  
VA Form 21-8416  
VA Form 4107

cc: Arizona Department of Veterans' Services

21P/reg/145

3990amc