



VETS HELPING VETS SINCE 1974

DEALING WITH GOVERNMENT AGENCIES

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Dealing with government agencies such as the VA and the Social Security Administration can be frustrating and time-consuming, but there are steps you can take to improve your chances of success. Take a few minutes to read this memorandum. We think you're likely to find at least a few helpful pointers.

GET HELP IF YOU CAN

Maybe you don't have to go it alone. If you're uncertain where to turn for help, **start with the library.** Most librarians are eager to help you find the information you need. That's what they're trained to do.

A library is a Resource Center. It can't solve your tax problems or fill out your SSI application for you—but a librarian just might be able to identify an agency that can.

In most areas of the U. S., you can also **dial 211** to reach a telephone information and referral service. In the San Francisco Bay Area, there's another option: you can call **Helplink**, a comprehensive telephone information and referral service sponsored by the United Way. The main telephone number is (800) 273-6222.

If you need help from a lawyer, try your local bar association's **Lawyer Referral Service.** To locate the service in your area, ask a librarian, or use an Internet search engine.

Does it pay to ask your **Congressperson** for help? *Maybe.* Your legislator has no actual authority over federal agencies, and won't appoint a member of his or her staff to act as your representative before an agency. On the other hand, the

legislator's staff may be able to get your claim expedited, or at least to make sure it gets to the right desk.

But beware: Some federal agencies respond to a legislator's inquiry by placing your claim on a special track and then making periodic reports to the legislator. Sometimes this can actually slow the processing of your claim. Your Congressperson's staff will know if this is likely to happen.

Is it wise to have two or more Congresspersons working on your problem at the same time? *No*. The typical result of this strategy is chaos.

In your search for help, the key is “polite persistence.” Don't give up. An organization that can't assist you may be able to give you the name and telephone number of someone who can. Ask for a referral.

*Make certain you can
prove that the
government agency
received your paperwork.*

Remember that non-profit organizations have limited resources and limited staffs; they can only help a fraction of those who ask for help. If they turn you down, don't take it personally. Instead, ask if there's another person or organization that you can call.

CALENDAR DEADLINES

If you miss a deadline, you may forfeit your legal rights, including the right to payment from the government. Read government documents carefully. **Check for deadlines.** Mark them on your calendar, and send your paperwork in as soon as possible, to make sure you're on time.

MAKE CERTAIN THE GOVERNMENT CAN CONTACT YOU

You can't respond to correspondence you don't receive—and if the government doesn't have your current address, there's a good chance you won't get its correspondence. That could cost you time or money, or both. It could even cost you some of your legal rights. If you change your address, telephone number, or e-mail address, let the government know immediately.

USE THE TELEPHONE EFFECTIVELY

Before you pick up the telephone to call a government agency, be sure you can state your problem in 25 words at most.

To understand why we emphasize this, consider what's likely to happen if you haven't boiled your problem down to 25 words.

Astonishingly, the federal government does not have to honor oral statements made by its officers or employees, even if there's a witness to the conversation.

The odds are that you'll try to tell your whole story from beginning to end, usually including a lot of unnecessary information. If you take this approach, the government representative will be thinking: *Why are you telling me this? I've been listening to you for three minutes now, and I still have no idea why you're calling.*

There's a better way. Start by saying "I need to know if I can claim a medical deduction on Form 6789, line 36" or "I need to know what 'substantial gainful employment' means." That tells the representative what you're after.

Make your 25-word statement — and then let the representative ask you a series of questions. The conversation will move along much more quickly and efficiently, and you'll be more likely to get useful information.

But... that doesn't mean you can always rely on what a government representative tells you by telephone, or even face-to-face. Astonishingly, the federal government does **not** have to honor oral statements made by its officers or employees, even if there's a witness to the conversation. That's why you need to **ask the government representative to put it in writing.**

If the representative can't or won't, consider writing to the agency, identifying the person you spoke with and the date, time, and place of your conversation. For example: "This letter follows my conversation with Mr. Jones at your Montgomery Street office this morning. He told me that the enclosed medical report was all that you needed to complete the processing of my claim."

The agency **still** won't be bound by Mr. Jones' statement to you, but the paper trail you create may be important in resolving future disputes.

IF YOU PUT IT IN WRITING, FOLLOW THESE RULES:

- Before you start to fill out a form, make sure you're using the right version of the right form. Government forms are frequently updated. If you use an out-of-date version, you may be required to re-enter all of your information onto the current version.
- Make sure you can prove that the government agency received your paperwork. This is especially important if a deadline is near. Government agencies often lose or misplace crucial documents, or claim they were never received.

It's worth spending a few extra dollars to avoid trouble. If you use USPS Certified Mail, Return Receipt Requested, list the Certified Mail Item Number on the first page of whatever you submit. If you use FedEx, USPS

Express Mail, or UPS Next Day Air, go to the website and print out the delivery confirmation.

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- Keep complete copies of everything you send the government, and everything the government sends you. This includes all e-mails to and from the agency. Do not delete them until you're certain your problem has been fully resolved.
- Never send the originals of personal documents such as marriage or death certificates. Send a copy instead. If necessary, have the copy notarized. If you submit the original, you may never get it back.
- If correspondence from the government lists a “reference number”—usually on the first page of a letter, near the top—be sure to show that number on the first page of your response. That also goes for your file number, if the agency has assigned you one.
- Specify what you're submitting—and why. Don't assume the agency will be able to figure this out. Instead, tell the agency at the beginning of your correspondence. For example: “I'm submitting the attached letter from Dr. John Smith in response to your letter of October 1, 2011, in which you requested medical evidence to support my PTSD claim.”
- Use staples, not paper clips. This will reduce the likelihood that part of your submission will go missing.
- Organize your files. If you toss papers into a desk drawer or let them pile up on your desk, you may find yourself unable to put your hands on the one document you urgently need.

REQUESTING COPIES OF YOUR FEDERAL RECORDS:

The Privacy Act of 1974 gives you the right to copies of your records held by federal government agencies. If you have access to a computer, check the agency's website. You may be able to request the records online, or to download a request form.

You can also order your federal records by letter. Be sure to specify what records you need, and state that you're requesting them under the Privacy Act, 5 U.S.C. § 552a.

TWO FINAL POINTERS:

Stay cool. Don't fill out forms or write letters when you're angry. Wait until you've calmed down. The same advice applies to telephone calls. If you yield to the temptation to vent your anger, you become an "abusive caller," giving the customer service representative the option of terminating the call.

Don't give up. In truth, almost all government employees will try to help you, if you give them a chance—and many will go out of their way to be helpful. Yes, there are a few lemons—but there are always a few lemons in any organization, governmental or non-governmental. Stick with it, and the odds are overwhelming that you'll end up talking to a government employee who knows what needs to be done, and can help you do it.

Disclaimer

This memorandum provides general information only. It does not constitute legal advice, nor does it substitute for the advice of an expert representative or attorney who knows the particulars of your case. Any use you make of the information in this memorandum is at your own risk. We have made every effort to provide reliable, up-to-date information, but we do not guarantee its accuracy. The information in this memorandum is current as of December 2012.

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