



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE VETERAN ADVOCATE
100 HANCOCK STREET, 2ND FLOOR
QUINCY, MA 02171

12/18/2024

Matthew Deacon, General Counsel
Executive Office of Veteran Services
600 Washington Street
Boston, MA

Dear Attorney Deacon,

The Office of the Veteran Advocate (OVA) appreciates the opportunity to comment on the proposed changes to 108 CMR 12.00. While OVA supports efforts to clarify and improve regulations governing municipal veterans' agents and their duties, we believe there are areas where additional clarity and consideration are necessary to best serve the veteran community. Below are our specific comments:

Comments on the Proposed Addition of 108 CMR 12.05

It is the position of OVA that all municipal veterans' agents should be VA-accredited claims agents pursuant to 38 CFR 14.629. Given their direct interaction with veterans, municipal veterans' agents are uniquely positioned to identify relevant claims for VA benefits and to assist veterans in gathering the evidence necessary to support those claims. Accreditation would ensure that these agents have the requisite knowledge and skills to provide effective and compliant assistance, thereby improving outcomes for veterans.

Comments on Proposed Changes to 108 CMR 12.04(2)

The proposed change in this paragraph appropriately highlights the federal regulatory requirement that individuals assisting veterans with VA claims must be accredited under 38 CFR 14.629. While this clarification is commendable, additional language is needed to address how veterans will receive assistance when their municipal veterans' agent is not an accredited claims representative.

OVA also recommends that EOVS provide further clarity regarding the phrase "shall assist veterans in obtaining VA Compensation and Pension." This language may not adequately convey the regulatory restrictions outlined in 38 CFR 14.629(b)(1), which specifies that only accredited individuals may "assist" claimants in preparing, presenting, and prosecuting claims.

Additionally, the phrase "assist veterans in obtaining VA compensation and pension" appears to unnecessarily restrict the scope of assistance to these two categories of benefits. OVA urges EOVS to ensure that municipal veterans' agents are equipped and encouraged to assist with the full range of VA benefits that may benefit veterans, including education, vocational rehabilitation, and healthcare services.

Comments on Unchanged Portions of 108 CMR 12.00

When regulations are amended to address legislative changes, OVA believes it is an ideal opportunity to review and improve the entire regulation. We offer the following suggestions for additional updates:

- **Section Title:** Updating the title of this section to “Duties of Veterans’ Agents and Veteran Service Districts” would clarify that the duties outlined apply to both municipal veterans’ agents and veterans’ service districts.
- **Section Title 12.01(2):** OVA recommends correcting the word choice error in this section that currently states “...to insure that veterans and their dependents...” so that it reads “...to ensure that veterans and their dependents...”.
- **Section 12.01(4):** The current language regarding hours of operation should permit municipal veterans’ agents the flexibility to adjust their “in-office” hours to include “off-hours”, such as early mornings or evenings, to better meet the needs of working veterans.
- **Section 12.02(1):** The existing language states that the Secretary of EOVS has the authority to approve or disallow the formation of Veterans’ Service Districts. However, OVA finds no statutory basis for this authority under MGL c. 115 §§ 10-14. The formation of such districts is unequivocally a municipal function under §10, the Secretary’s authority is limited to general oversight under §14 and is only in effect after a district is formed. We recommend revising this language to accurately reflect the statutory framework.

Thank you for considering these comments. OVA remains committed to working collaboratively with EOVS to ensure that veterans receive the highest standard of service and support. If you have any questions or require further input, please do not hesitate to contact our office.

Sincerely,



Robert Notch
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