

Stateside Legal™

Self-Help Sample Letter Packet

Response to VA Notice of Request by Obligee for Benefit Apportionment (To your Department of Veterans Affairs Regional Office)

This self-help resource was created for **(VETERAN'S NAME)** by the Stateside Legal Project. Stateside Legal provides these sample forms and information free of charge to individuals with military connections. These forms are not based upon any specific state law or jurisdiction. They are intended as sample communication with the Department of Veterans Affairs.

READ ALL INSTRUCTIONS IN THIS PACKET VERY CAREFULLY.

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MORE INFORMATION

For information about the Department of Veterans Affairs or many more topics concerning individuals with military connections, please visit www.statesidelegal.org or contact your local legal services office.

Much of the content included in this packet has been provided by Jim Strickland, a nationally known advocate for veterans and a member of the Stateside Legal Advisory Board.

DISCLAIMER: *The Stateside Legal Information Series is produced by the Pine Tree Legal Assistance of Maine®, Arkansas Legal Services Partnership®, and the Legal Services Corporation®. These organizations promote or provide free legal services to eligible low-income people. Additional information can be found at www.lsc.gov. This sample form packet is given to you as a guide to help you generally understand the way legal matters are handled. Local courts interpret things differently. The information and statements of law contained in this fact sheet are not intended to be used as legal advice. Before you take any action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.*

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

(DATE)

DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE
(STREET ADDRESS/P.O. BOX)
(CITY), (STATE) (ZIP)

REFERENCE: **(LAST NAME, FIRST NAME / SSN)** AND/OR **(VETERANS CODES/NUMBERS)**

Dear Sir/Madame:

I am in receipt of your letter dated, **(DATE OF LETTER)** notifying me of a request and proposal to apportion funds from my disability compensation award.

Please accept this document as my notice of disagreement with any apportionment actions. I do not believe that this action is necessary or appropriate because **(EXPLANATION)**.

I request that I be allowed a personal hearing at the earliest opportunity.

I request that you do not deduct any money from my disability compensation award until I have exhausted all appeals.

Thank you for your kind consideration.

Respectfully,

(VETERAN'S NAME)
(ADDRESS)
(CITY), (STATE) (ZIP)
(TELEPHONE)
(EMAIL – VARIABLE OPTIONAL)

LAW YOU SHOULD KNOW - APPORTIONMENT AND SUPPORT PAYMENTS

VA payments cannot be garnished in the usual fashion. There are laws that protect a veteran's disability payments from typical creditors. However, all or part of a veteran's disability award may be apportioned (paid) to the veteran's spouse, child, or dependent parent. A surviving spouse's award may also be apportioned for the veteran's children.

In child support or spousal support cases a court may have the right to include the money that you receive from the VA as income when it decides how much you should pay for child support. This is true even if your Veteran's Benefits are your only source of income.

Supporting your dependents is important, but it is also important that you "legally" get credit for the support that you pay. In many cases it is best to avoid a VA apportionment of your benefits because the apportionment may be sent directly to the obligee (the person that is owed a duty or obligation). This can cause problems because in many states, when the state agency is bypassed, that payment is not recorded and may not satisfy the support order of the family court. The apportionment may be considered as a gift and the support obligation may be considered unmet and may still be owed.

To avoid this problem it is sometimes best to respond with a Notice of Apportionment from the VA with a letter like the one included in this packet providing notice of disagreement with the apportionment action. The letter may allow the veteran some time to correct any past due money owed and get payments corrected through the state support agency. The sample letter also requests a personal hearing. This request may delay action for a year or more which should provide the veteran plenty of time to correct the situation. If the veteran believes there is an error, he or she should then have time to petition the state family court for corrections and modifications to the support order.

ABOUT THIS SAMPLE LETTER

This letter packet is not designed to help a veteran to avoid paying court ordered support. This letter is designed to help you get credit for the support that you pay and by-pass a VA apportionment of your benefits. If you have received the standard notification by VA that an apportionment has been requested then you have within 30 days of receipt of the letter to respond (in writing) that you disagree with the apportionment. This letter should provide written notice of disagreement with the apportionment action if completed correctly and sent within the 30 day period.

- Read over this letter and make sure the information you have given is correct and complete. The letter may need to be modified for your particular situation.
- Make sure that your identification information is correct.
- Send this letter and all other letter to the VA, by registered mail with a return receipt request.
- **Make sure you send this letter within the time limit stated in your letter!**

Where do I send this letter? You send your Letter in Response to VA Notice of Request by Oblige for Benefit Apportionment to your local VA office. You can view contact information for your local VA office by state at: <http://www2.va.gov>

*Original Content Provided by Jim Strickland**

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** Jim Strickland is a nationally known advocate for veterans and a member of the Stateside Legal Advisory Board*