



**DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Washington, D.C. 20420**

April 20, 2010

Director (00/21)
All VA Regional Offices and Centers

Fast Letter 10-12

Subject: Revised Fiduciary Policies and Procedures

Purpose

This letter implements significant changes in fiduciary policies and procedures regarding documentation of: expenditures; misuse allegations, investigations, and determinations; collection of social security numbers and taxpayer identification numbers; and onsite reviews.

Documentation of Expenditures

M21-1MR, part XI, 3.D.17d, requires Legal Instruments Examiners to obtain receipts for any questionable expense. This provision remains in effect.



Misuse Cases

M21-1MR, part XI, chapter 5.d.12.e, requires that copies of all misuse determinations be sent to the C&P Service Fiduciary Staff. When a negligence determination is necessary, VA regional offices (VAROs) must forward the principal guardianship folder to the C&P Fiduciary Staff. The Western Area Fiduciary Hub (Hub) must email the C&P Fiduciary Staff [redacted] when a case in Virtual VA requires a negligence determination. These procedures remain in effect.

The following new procedures to submit documentation for review of misuse cases are effective immediately. When a misuse determination is completed and

the reconsideration period has expired, the VARO must submit copies of the allegation, investigation, determination, and all supporting documentation to the C&P Fiduciary Staff. If the VARO determines an investigation is not warranted, they must submit a copy of the allegation and the memorandum determination not to investigate. Copies of all documentation must be submitted to:



If scanned documents include all necessary signatures, documentation may be submitted electronically via the Fiduciary Mailbox, [REDACTED]. C&P Service will update M21-1MR to reflect these changes.

Collection of Fiduciary ID

Fiduciary identification (ID) is defined in the *FBS User's Guide*, chapter 8, section 3a. An individual's social security number is his or her fiduciary ID. The taxpayer ID number is the fiduciary ID for an organization or business (an entity other than an individual). The guide states that the fiduciary ID is required for an individual serving as fiduciary, but it does not indicate whether a fiduciary ID is required for an entity other than an individual.

Effective immediately, social security numbers or tax ID numbers must be collected and recorded for all fiduciaries, including organizations and businesses. The VARO or Hub must collect the fiduciary ID during all initial appointment field examinations. The VARO or Hub must either collect the fiduciary ID or confirm the fiduciary ID is a matter of record at every fiduciary-beneficiary field examination. All fiduciary IDs will be recorded in FBS. The *FBS User's Guide* will be updated to reflect these changes.

Onsite Review Requirements

As outlined in M21-1MR, part XI, chapter 6.a.1.e, a copy of the onsite review report must be filed in the onsite review file for the fiduciary and maintained for the life of the file. File maintenance ends when the fiduciary is released from fiduciary responsibilities on all VA cases.

[REDACTED] **Effective immediately, the C&P Service Fiduciary Staff will review all completed onsite reviews.** The VARO or the Hub must submit a copy of the signed onsite review report and supporting documentation **within ten days of completion of the onsite review report.** These items should be sent to:



[REDACTED]

Onsite review reports may only be submitted electronically when the electronic record includes signatures and the supporting documentation is scanned and attached. These documents may be emailed to the Fiduciary Mailbox, [REDACTED]. M21-1MR will be updated to reflect these changes.

Questions

Questions regarding this letter may be e-mailed to [REDACTED]

/S/

[REDACTED]

Director
Compensation and Pension Service