

STATE OF ALABAMA DEPARTMENT OF VETERANS AFFAIRS
ADMINISTRATIVE CODECHAPTER 920-X-3
POWER OF ATTORNEY

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920-X-3-.01 Power Of Attorney.

It shall be the duty of every employee of the department initiating a claim to cause each claimant to execute a power of attorney (VA Form 23-22) designating the State Department of Veterans Affairs, or a service organization accredited by the United States Veterans Administration, according to the veteran's own preference. It shall be the duty of every employee of the department to inform each claimant of such organization without recommendation or disparagement.

Author:**Statutory Authority:** Code of Ala. 1975, §31-5-2(c).**History: Amended:** Filed January 4, 2001; effective February 8, 2001.920-X-3-.02 Purpose And Obligation.

The execution of a POA is necessary to authorize a Department representative to provide "fair representation," counseling and assistance to an eligible claimant and ensure the claimant receives full due process under the law. The Department representative shall take no action inconsistent with the furtherance of the claimant's interest. All records and information obtained by the Department in relation to a veteran or claimant shall be considered "confidential" and maintained accordingly by the Department, unless otherwise required by law.

Author: Frank Wilkes**Statutory Authority:** Code of Ala. 1975, §31-5-2(c).**History: New Rule:** Filed January 4, 2001; effective February 8, 2001.

920-X-3-.03 Revocation.

(1) The Department reserves the right to revoke a POA and withdraw from the representation of a claimant at any time for good cause, subject to review by the Board. The following listed events will be considered sufficient grounds for the Department's revocation of a claimant's POA. However, this is not to be construed as an exhaustive list as other valid reasons for the revocation of a POA may exist and will be considered by the Board upon recommendation of the state service commissioner.

(a) Providing false evidence or information to the Department or a service organization, altering or otherwise tampering with evidence presented in support of a claim;

(b) Use of abusive, derogatory or defamatory language toward a department official or employee by a claimant or potential claimant;

(c) Verbal threats, harassment, either by telephone or in person, or menacing physical behavior which cause, or are intended to cause, the intimidation of a department official or employee;

(d) Refusal to cooperate or establish an effective working relationship with a department official or employee;

(e) Repeated demands by a claimant that the Department, or its employees, assist in the pursuit of a claim which is contrary to established law or regulation, or which has no factual basis to support an award of benefits.

(2) A POA shall not be refused or revoked based upon a claimant's race, color, sex, or religious preference, nor based upon a claimant's length or type of service in the Armed Forces of the United States, presuming that his or her military service qualifies for receipt of benefits.

(3) A POA shall not be refused or revoked on the grounds that the claim to be asserted by an eligible claimant is contested. However, the Department cannot be required to represent a person whose interests are opposed to or in conflict with those of another veteran, widow/widower or dependent of a veteran for whom the Department holds a POA.

Author: Frank Wilkes

Statutory Authority: Code of Ala. 1975, §31-5-2(c).

History: New Rule: Filed January 4, 2001; effective February 8, 2001.