

Advisory: Authority to Release Documents Related to VA Education Benefits Based On Telephonic Requests by Beneficiaries

March 21, 2016

Background: On April 17, 2014, VA's Office of General Counsel (OGC) issued a memorandum to Education Service clarifying whether the disclosure of eligibility and/or payment information to beneficiaries, training establishments or other entities must be in writing, or if the disclosure can be released based on an oral request via telephone after proper identification protocols are met. OGC determined that telephonic requests for documents from a claimant's VA records (e.g. Certificates of Eligibility and Award Letters) are not sufficient to meet the requirements of 38 C.F.R. Section 1.526 and Section 1.553, and therefore are prohibited.

Facts Found: OGC has reexamined the issue and has clarified their earlier guidance.

Instructions: Effective immediately, Education Call Center representatives may send documents (such as Certificates of Eligibility, Award Letters, etc.) to beneficiaries, either by email or by postal mail to the home address of record, based on a telephonic request. However, only written requests (which include those received via facsimile, Right Now Web, as well as through regular mail) from authorized Veterans Service Organizations, School Certifying Officials, or other entities (i.e., those other than the beneficiary) may be honored.

Rescission: "Advisory: Clarification on Freedom of Information (FOIA) and Privacy Act (PA) Requirements for Telephonic Requests of Documents Related to VA Education Benefits," issued on May 16, 2014, is rescinded.

Questions: If you have any questions, please direct them to the Education Service Regulation and Policy Team via email at VAVBAWAS/CO/225C.

Operations Team