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Compensation & Pension Service Bulletin

May 2010

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Front Office (21)

Service Center Managers Conference

The Service Center Managers Conference will take place June 27, 2010 to July 2, 2010 in Orlando, Florida. The conference will focus on quality, training, new processes and updates, and campaign plan initiatives from the recent Director's Workshop. An invitation letter and travel packet will be provided in the near future. This message is being sent for planning purposes, while final coordination is conducted with facilities in Orlando. Should you have any questions or require additional information, please contact Jim Adams (202) 461-9659, the Compensation and Pension (C&P) point of contact. We look forward to meeting with you at

the conference.

Policy (211)

Routine Future Exams in Scheduling Temporary Total Evaluations

There has been ongoing confusion in the field regarding the need to schedule routine future examinations when a schedular temporary total evaluation is assigned following a medical event or procedure. It is clear by the content of the rating schedule that some schedular temporary total evaluations are to be assigned for an open-ended period, and others are for a specified, closed-end period. An example of an open-ended period is found under diagnostic code 7528, Malignant neoplasms of the genitourinary system. A 100 percent evaluation is assigned, and six months after the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure, a mandatory VA exam is conducted. Subsequent evaluations will be based on the residual disability found on exam. Any change in the evaluation based on that exam or subsequent exams shall be subject to the due process requirements of 38 CFR §3.105(e).

In contrast, a schedular temporary total evaluation with a closed-end period is found under diagnostic code 5055, Knee replacement (prosthesis). The rating schedule directs that, following hospital discharge, a one month total rating be assigned based on 38 CFR §4.30. This is followed by assignment of a temporary total evaluation for a period of one year following implantation of the prosthetic joint. After the expiration of the one year, generally, the minimum schedular evaluation is assigned.

In the first example of prostate cancer, there is no question that the plain language of the rating schedule requires a future examination.

Therefore, the future examination will be scheduled by the rating decision. In the second example of a knee replacement, there is no such direction or guidance. In keeping with VA's

current emphasis on simplifying the claims process and reducing the number of unnecessary examinations, new guidance is being issued.

Effective immediately, in cases where the rating schedule provides for a closed-end temporary total evaluation, the rating establishing the total evaluation will prospectively assign the minimum schedular evaluation effective the day following expiration of the prescribed total period. **No future examination will be scheduled prior to the expiration of the temporary total period.** The decision notice letter will inform the veteran of the duration of the temporary total period and the effective date of reduced schedular minimum evaluation.

The exception to this guidance is when the evaluation prior to the temporary total period exceeds the minimum schedular evaluation, and that evaluation is protected under 38 CFR 3.951(b). In such cases, no future examination will be scheduled, and the higher protected evaluation will be assigned the day following expiration of the temporary total period.

The M21-1MR will be revised to reflect this guidance.

New Procedures for Claims Based on Herbicide Exposure in Thailand and Korea

Effective immediately, when regional offices (ROs) receive disability claims based on exposure to tactical herbicides, such as Agent Orange, from Veterans who served in Thailand or Korea during the Vietnam era, there is no longer a requirement to send an inquiry to the C&P Service Agent Orange Mailbox. Development inquiries can be sent directly to the Army and Joint Services Records Research Center (JSRRC) when the available evidence does not indicate tactical herbicide exposure. This will reduce processing time and provide better service to Veterans.

Herbicide related claims from Veterans with Thailand service

After reviewing documents related to herbicide use in Vietnam and Thailand, C&P Service has determined that there was significant use of herbicides on the fenced in perimeters of military bases in Thailand intended to eliminate vegetation and ground cover for base security purposes. Evidence of this can be found in a declassified Vietnam era Department of Defense (DoD) document titled *Project CHECO Southeast Asia Report: Base Defense in Thailand*. Therefore, when herbicide related claims from Veterans with Thailand service are received, RO personnel should now evaluate the treatment and personnel records to determine whether the Veteran's service activities involved duty on or near the perimeter of the military base where the Veteran was stationed.

DoD has provided information that commercial herbicides, rather than tactical herbicides, were used within the confines of Thailand bases to control weeds. These commercial herbicides have been, and continue to be, used on all military bases worldwide. They do not fall under the VA regulations governing exposure to tactical herbicides such as Agent Orange. However, there is some evidence that the herbicides used on the Thailand base perimeters may have been either tactical, procured from Vietnam, or a commercial variant of much greater strength and with characteristics of tactical herbicides. Therefore, C&P Service has determined that a special consideration of herbicide exposure on a facts found or direct basis should be extended to those Veterans whose duties placed them on or near the perimeters of Thailand military bases. This allows for presumptive service connection of the diseases associated with herbicide exposure. The majority of troops in Thailand during the Vietnam era were stationed at the Royal Thai Air Force Bases of U-Tapao, Ubon, Nakhon Phanom, Udorn, Takhli, Korat, and Don Muang. If a US Air Force Veteran served on one of these air bases as a security policeman, security patrol dog handler, member of a security police squadron, or otherwise served near the air base perimeter, as shown by MOS (military occupational specialty),

performance evaluations, or other credible evidence, then herbicide exposure should be acknowledged on a facts found or direct basis. However, this applies only during the Vietnam era, from February 28, 1961 to May 7, 1975.

Along with air bases, there were some small Army installations established in Thailand during this period, which may also have used perimeter herbicides in the same manner as the air bases. Therefore, if a US Army Veteran claims a disability based on herbicide exposure and the Veteran was a member of a military police (MP) unit or was assigned an MP MOS and *states that his duty placed him at or near the base perimeter*, then herbicide exposure on a facts found or direct basis should be acknowledged for this Veteran. The difference in approach for US Army Veterans is based on the fact that some MPs had criminal investigation duties rather than base security duties. Therefore, the Veteran's lay statement is required to establish security duty on the base perimeter. This also applies to US Army personnel who served on air bases in Thailand. During the early years of the war in Vietnam, before Air Force security units were fully established on air bases in Thailand, US Army personnel may have provided perimeter security. In such cases, if the Veteran provides a lay statement that he was involved with perimeter security duty *and there is additional credible evidence supporting this statement*, then herbicide exposure on a facts found or direct basis can be acknowledged for this Veteran.

Evaluation and adjudication of the cases described above can now be conducted by RO personnel without input from the C&P Service Agent Orange Mailbox. These instructions replace those provided in the August 2009 C&P service Bulletin. In summary, no herbicide related claim from a Thailand Veteran should be sent to the C&P Service Agent Orange Mailbox. If evidence shows that the Veteran performed duties along the military base perimeter, ROs should acknowledge herbicide exposure on a facts found or direct basis. If the available evidence does not show

service along the base perimeter and does not otherwise indicate exposure to tactical herbicides, place the *memorandum for the record* from M21-1MR IV.ii.2.C.10.q in the claims file and send a request for information to JSRRC.

Herbicide related claims from Veterans with Korean service

Currently, tactical herbicide exposure can be presumed for Veterans who served in specific US Army units that operated along the Korean demilitarized zone (DMZ) from April 1968 through July 1969. These units were identified by DoD documents and are listed in M21-1MR IV.ii.2.C.10.o. When service treatment or personnel records show that a Veteran was assigned to one of these units during the time frame of tactical herbicide use, the Veteran qualifies for the presumption of exposure. When a Veteran with Korean service alleges herbicide exposure but was not in one of the specified units or was in one of the specified units outside the time frame of tactical herbicide use, ROs were previously instructed to send an inquiry to the Agent Orange Mailbox for any additional evidence that might indicate tactical herbicide exposure.

C&P Service has now determined that ROs are no longer required to submit herbicide exposure inquiries from Korean service Veterans to the Agent Orange Mailbox. Inquiries related to potential herbicide exposure outside the specific units and time frame listed in M21-1MR should now be sent directly to JSRRC.

These policy changes are intended to reduce the time required to process these claims.

Procedures (212)

[M21-1Manual Rewrite \(MR\) Updates](#)

Recently, C&P Service released changes to [M21-1MR](#) that:

- updates procedures regarding claims for

service connection for death from suicide (M21-1MR, Part IV, Subpart iii, Chapter 2)

- includes new information on Vocational Rehabilitation and Education (VR&E) motivational contact procedures and controlling the 810-diary in Share (M21-1MR, Part IX, Subpart I, Chapter 1, Section A)

For a detailed list of all the changes made to these chapters, please refer to the Transmittal Sheet in the “Changes by Part” or “Changes by Date” link at the top of the MR main website.

[Handling and Storage Requirements for the DoD STR Folder](#)

When a servicemember leaves the military, his or her Service Treatment Records (STRs) are transferred to VA on a long-term loan. The Department of Defense (DoD) is the owner of the STRs and the STR folder.

The DoD Records Custodians have raised the issue that VA is destroying their STR folders, which contain some medical documentation on the servicemember/Veteran, thus destroying the integrity of the total STR.

The M21-1 Manual Rewrite(MR), specifically Part III, Subpart iii, Chapter 2, Section A, details handling and storage requirements for STRs. The M21-1MR does not authorize the destruction of the STR folder. **Under no circumstances should the STR folder be destroyed.**

Some specifics related to handling and storing DoD STRs on loan to VA include:

- Avoid marking on, date stamping, or punching holes in any records received from the service department. Avoid removing STRs from the STR folder unless necessary for photocopying (M21-1MR III.iii.2.A.2.a).
- STRs belong to the respective service departments and are on loan to VA. As such,

the STRs are subject to recall by a service department (M21-1MR III.iii.2.A.2.c).

- While in VA's possession (M21-1MR III.iii.2.A.2.c):
 - Place the STR folder neatly within the claims folder
 - Do not remove or rearrange documents from the STR folder unless necessary for photocopying
 - Do not place the STR folder in a VA Form 21-4582, Service Department Records Envelope
 - Establish a separate volume of the claims folder in which to maintain the STR folder or STR envelope if the thickness is more than one inch, or more than two and one-half inches when combined with the claims folder
- Additionally, when a service department requests return of the STR folder, VA must:
 - Photocopy the STRs
 - Stamp the copies to show they are copies of the originals and that the original STRs were returned.
 - Place photocopies of STRs in VA Form 21-4582.
 - File VA Form 21-4582, with STR copies in the center flap of the claims folder.
 - Return the original STR folder and the original STRs to the service department.

[Fast Letter \(FL\) 10-16, Fully Developed Claim Program](#)

The Veterans' Benefits Improvement Act of 2008, Public Law 110-389, § 221(a) mandated VA carry out the pilot program Expediting Fully Developed Claims (FDCs) to assess the feasibility and advisability of expeditiously processing FDCs within 90 days of receipt. On December 17, 2008, C&P Service released Fast Letter (FL) 08-48, *Pilot Program on Expediting Fully Developed*

Claims instructing ten ROs to implement the FDC pilot program. VA has now decided to expand the program for implementation at all ROs.

On May 3, 2010, C&P Service released FL 10-16, *Fully Developed Claim Program*. The FL rescinds FL 08-48, modifies previous guidance released for the FDC pilot program, and provides guidance for nationwide RO implementation of the FDC Program.

The FL comes with three enclosures: draft versions of the VA Form 21-526EZ, *Fully Developed Claim/Express Compensation Claim*, and the VA Form 21-527EZ, *Fully Developed Claim/Express Pension Claim*, and a copy of the FDC folder flash. The draft forms provided with the FL are **not** to be disseminated or used. Central Office is awaiting the Office of Management and Budget (OMB) approval of these forms and will promptly notify the field upon such approval.

Please remind staff **not** to use the Share flash, *Fully Developed Claim*, since the flash was for use with the FDC pilot program **only**. Additionally, do **not** use the following special issues: *Express Claim*, *Express Claim Excluded-Additional Evidence*, *Express Claim Excluded-Failed to Report for Exam*, and *Express Claim Excluded-VBA Administrative Reason*. Please reference FL 10-16 for more information on identifying claims associated with the FDC Program.

Training & Contract Exams (213)

[Skills Certification](#)

The next Rating Veteran Service Representative (RVSR) Certification test is scheduled for June 9, 2010. To be eligible to take the test, RVSRs must have completed the RVSR training curriculum, meet the local trainee performance standards, and have been in the position for a minimum of six months and not more than 24 months.

The initial Operational Certification test for Decision Review Officers (DROs) is scheduled for June 16, 2010. To be eligible to take the test, DROs must be at a GS-13 grade level or above, assigned as a DRO for at least six months and meet the local DRO performance standards.

The next Pension Management Center (PMC) Veteran Service Representative (VSR) Certification test is scheduled for June 23, 2010. VSRs may sit for certification 90 days prior to the earliest date they achieve one year specialized experience at the GS-10 level. A VSR must also meet the local performance standards at the time of the test.

Further information regarding these tests will be forthcoming from the Office of Field Operations (OFO).

Training Performance Support System (TPSS) Module 6 - Burials

A team consisting of C&P personnel and three field subject matter experts (SMEs) have been assigned to review and update the VSR TPSS Module 6 – Burials. George Boyd, C&P; Elizabeth Garcia, Denver RO; Wendi Hoyt, Nashville RO, and Jamie Goedtke, St. Pete RO, completed their initial review and are making necessary changes. Areas needing the most change relate to dates of claim, date of death and date of burial. Along with revising the information about dates, updated Modern Award Processing-Development (MAP-D) and Personal Computer Generated Letter (PCGL) notifications and current rates and eligibility requirements for Burial Allowance and Plot/Interment benefits will be included. This module is scheduled to be released to the field by October 31, 2010.

Electronic Performance Support System (EPSS) – Combat Related Disability Payments (CRDP)/Combat Related Special Compensation (CRSC)

A team made up of C&P personnel and two field

SMEs have been preparing a new Electronic Performance Support System (EPSS) tool to assist in processing Combat Related Disability Payments (CRDP)/Combat Related Special Compensation (CRSC) claims and Audit Error Worksheets (AEW). George Boyd, C&P; Raymond Lund, Waco RO and Tom Kenville, Cleveland RO, have worked with the contractor from General Dynamics to establish this tool. We have completed the initial phase and are preparing the tool for field testing at a designated RO. Experienced and novice VSRs will be selected to process a variety of individual claims based on CRDP/CRSC and their AEWs. The analysis from the field test will assist the team in identifying any confusion or misunderstandings when using the tool. This tool is scheduled to be released to the field by August 31, 2010.

Quality Assurance (214)

End Product (EP) Transaction Reports

The *Rating EP Transaction Review* reports posted on the C&P Program Operations Intranet webpage are no longer active; however, reports through May 1, 2009 will remain available on the website for historical purposes. C&P Service has discontinued the reports because most of the data is now available through VETSNET Operations Reports (VOR).

We encourage ROs to monitor their data integrity by reviewing the *VOR-Completed Claims Detail* report to validate rating end products (EPs) completed within five days of the date of claim. We also encourage stations to review the *VOR-Detailed-Cancelled EPs* report to validate the cancellation of rating EPs that were pending greater than 180 days. These two reports mirror the data that was available through the C&P *Single EP Transaction* reports.

The *VOR-Completed Claims Detail* report provides data regarding multiple rating claims improperly cleared with the same date of claim. This mirrors some of the data that was available

through the *Multiple EP Transaction* reports. We also encourage RO managers to routinely review the *VOR-Pending-Multiple Rating EP* report to validate station compliance with the procedures of FL 09-39, *Sequential End Products (EPs) and Third-Digit Modifiers*, dated October 2, 2009.

The Program Operations site visit staff will be monitoring these VOR reports for data integrity as part of the site visit protocol.

Please direct any questions to the Program Operations staff at VAVBAWAS/CO/214A.

Site Visit Common Findings Report

The FY 2009 Site Visit Common Findings report has been posted to the C&P Site Visit Intranet webpage. The report can be accessed through the following link:

<http://10.220.1.4/bl/21/sitevisit/sitevisit.asp>

The majority of action items fall into the Workload Management category. The most significant repeated findings in this area were improper execution of the Workload Management Plan and lack of standard operating procedures in place for proper mail analysis, mail control and processing.

Questions regarding this report may be directed to the Program Operations Staff mailbox at VAVBAWAS/CO/214A.

EP 600 Date of Claim (DOC) Issue

In reviewing EP 600s, some inconsistencies with the date of claim (DOC) have been identified. EP 600s should be established timely and monitored closely to minimize overpayments. Per [M21-1MR.I.2.B.7.b](#) and [TL 09-04](#), an EP 600 should be established at the time the notice of adverse action is sent. Questions concerning this should be forwarded to VAVBAWAS/CO/214B.

Folder Maintenance and Repair

The Quality Assurance Staff has been providing

comments on non-segregated folders requiring renovation prior to shipping to Nashville for STAR review. Many folders are shipped to Nashville that have loose mail and service treatment records that should be filed down prior to shipping, need replacement, and need additional volumes created. This is a reminder that per [M21-1MR.4.G.](#), Veterans folders should be maintained to provide maximum protection of their contents by replacing folders and envelopes that become damaged. Any required renovation should be performed prior to transferring the folder out of the office. Questions concerning this should be forwarded to VAVBAWAS/CO/214B.

Business Management (215)

C&P Calendar Update

The C&P Calendar web page is a one-stop source for new and updated information both relating to the C&P Intranet and to C&P Service at large. In an effort to improve the sharing of information, C&P Service has developed a subscription service for the calendar. Users who subscribe to the calendar will receive automatic e-mail updates whenever a calendar item is added or changed. Each e-mail update will contain the body of the new or changed calendar item as well as a link to the calendar itself. To subscribe, please visit

http://vbacodmoint1.vba.va.gov/bl/21/calendar/cal_Subscribe.asp. Please contact the VAVBAWAS/CO/21WEB e-mail box with any questions, comments, or suggestions about this service or anything on the C&P Intranet.

Homeless Flash

The proper use of the Homeless Flash in Share requires that the Homeless Veteran indicator on the BIRLS Miscellaneous Info (MSC) screen be checked. Checking the Homeless Veteran indicator in BIRLS will also automatically add the Homeless flash in Share when processed as a BIRLS Update. This action is only required once for each of these claims.

If a Homeless Flash is established in Share, but not in BIRLS, the next time a BIRLS update is processed, the Homeless Flash in Share will be removed.

If the flash needs to be removed, simply un-check the Homeless Veteran indicator and perform a BIRLS update.

Please note, this information was previously distributed in an e-mail from OFO on May 3, 2010. Questions can be directed to C&P Service at 215A.VBACO@va.gov.

Compensation and Pension Record Interchange (CAPRI) Upgrade

VBA will be nationally deploying a new version of the Compensation and Pension Record Interchange (CAPRI) application. This version will fix several defects and add enhancements to the application. Additional information can be found in the release notes which can be downloaded from the [VHA Software Document Library](#). The following outlines major improvements that will affect VBA's use of CAPRI:

- A previous release of CAPRI prevented users from copying and pasting on the C&P Exam Request screen via shortcut keys or the mouse right-click menu. This issue has been resolved.
- CAPRI will now allow the addition of a new patient record with a first name consisting of only a single character. This issue was first reported by the Togus RO when they tried to create a new record in CAPRI for a patient whose first name consisted of only the character "J."
- CAPRI will now support the need to enter foreign addresses for a patient's permanent, temporary, and confidential addresses.
- In support of the Disability Evaluation System (DES) program, CAPRI has been modified to allow the selection of

"TRICARE" or "SHARE AGREEMENT" as Primary Eligibility options when creating a new patient record.

As with any software release, this release does create some issues that will be addressed in a future release. The following outlines major known issues with this release:

- Duplex (double-sided) printing is ignored by CAPRI, even if the default printer settings call for duplex printing.
- The Site Selection screen does not honor a space as a character when typing in a facility name. Using the mouse or arrow keys to make a site selection is unaffected.

Veterans Services (216)

Fast Letter 10-12, Revised Fiduciary Program Policies and Procedures

On April 20, 2010, C&P Service released FL 10-12, *Revised Fiduciary Program Policies and Procedures*. This FL significantly revises several Fiduciary Program requirements including:

- New Requirement for Documentation of Expenditures - The long-standing provision of M21-1MR, Part XI, 3.D.17d mandating that Legal Instruments Examiners (LIE) obtain receipts for any questionable expense remains in effect. However, effective April 21, 2010, a receipt is required for any unbudgeted item in excess of \$1,000. Furthermore, a receipt is now required for any budgeted item which exceeds the *Fund Usage Agreement* by more than 15 percent, if the financial institution documents do not verify the expense.
- New Misuse Requirements - Recent reviews of misuse determination findings during C&P Service site visits to ROs have revealed the need for additional examinations of misuse procedures. Effective April 21, 2010, once the RO completes its final action on a misuse case, the misuse allegation, memorandum not to investigate, or the investigation and

determination with all supporting documents, must be submitted to the C&P Service Fiduciary Staff. Copies of these documents should be submitted to:

VA Central Office
810 Vermont Ave. NW
Attn: C&P Service (216A)
Washington, DC 20420

The necessary paperwork may be electronically submitted to the Fiduciary Mailbox at [VAVBAWAS/CO/F&FE](#), but *only* if the signatures are included in the electronic record and the supporting documentation has been scanned for inclusion. M21-1MR will be updated to reflect this change.

- New Requirement for Collection of Fiduciary ID - FBS Users Guide, Chapter 8, Section 3a defines the fiduciary identification as a Social Security number for an individual or a taxpayer ID number for an entity other than an individual. The guide states that this number is required if the fiduciary is an individual, but it does not indicate whether the number must be collected for an entity other than an individual. Effective April 21, 2010, a Social Security or Taxpayer ID number is required of all fiduciaries, and must be recorded in FBS. On all initial appointment field examinations, ROs and the Western Area Fiduciary Hub (Hub) must collect the fiduciary ID. Every fiduciary-beneficiary (F-B) field examination must either collect the fiduciary ID or confirm the fiduciary ID is a matter of record. *The FBS Users Guide* will be updated to reflect this change.
- New Onsite Review Requirements - M21-1MR, Part XI, Chapter 6.a.1.e requires that a copy of Onsite Review Reports be filed in the Onsite Review File for the fiduciary and maintained for the life of the file. The life of the file expires when the fiduciary is released from all cases. Recent findings during C&P Service site visits have revealed inconsistencies in conducting onsite reviews. Effective April 21, 2010, all completed onsite reviews will be reviewed by the C&P Service

Fiduciary Staff. ROs and 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 to:

VA Central Office
810 Vermont Ave. NW
Attn: C&P Service (216A)
Washington, DC 20420

Onsite Review Reports may be electronically submitted to the Fiduciary Mailbox at [VAVBAWAS/CO/F&FE](#), but *only* if the signatures are included in the electronic record and the supporting documentation has been scanned for inclusion. M21-1MR will be updated to reflect this change.

National Fiduciary Managers Training Conference

The National Fiduciary Managers Training Conference will commence on Sunday June 13, 2010 at the Embassy Suites Hotel in Bloomington, Minnesota and conclude on Friday June 18, 2010.

As a reminder, all attendees are to arrive at the hotel Sunday, June 13, 2010. Registration will be held that day between 3:30 and 5:30 p.m., and a mandatory welcome reception will begin at 6:30 p.m. Dinner and dessert will be served during the reception.

Please refer to FL 10-09, *Announcement of National Fiduciary Managers Training Conference*, for additional information about the conference.



This Memorial Day, pause to remember those who served to protect our freedom!