

[AC-13; OTS No. 06527]

**Queen City Federal Savings Bank
Virginia, Minnesota; Approval of
Conversion Application**

Notice is hereby given that on February 10, 1995, the Deputy Assistant Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Queen City Federal Savings Bank, Virginia, Minnesota, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Irving, Texas 75039.

Dated: February 14, 1995.

By the Office of Thrift Supervision.

Nadine Y. Washington,*Corporate Secretary.*

[FR Doc. 95-4097 Filed 2-17-95; 8:45 am]

BILLING CODE 6720-01-M

[AC-17; OTS No. 03889]

**Sobieski Federal Savings and Loan
Association, South Bend, Indiana;
Approval of Conversion Application**

Notice is hereby given that on February 13, 1995, the Deputy Assistant Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Sobieski Federal Savings and Loan Association, South Bend, Indiana, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Central Regional Office, Office of Thrift Supervision, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601-4360.

Dated: February 14, 1995.

By the Office of Thrift Supervision.

Nadine Y. Washington,*Corporate Secretary.*

[FR Doc. 95-4100 Filed 2-17-95; 8:45 am]

BILLING CODE 6720-01-M

**DEPARTMENT OF VETERANS
AFFAIRS****Special Medical Advisory Group;
Notice of Availability of Annual Report**

Under Section 10(d) of Public Law 92-463 (Federal Advisory Committee Act), notice is hereby given that the Annual Report of the Department of Veterans Affairs' Special Medical Advisory Group for fiscal year 1994 has been issued. The report summarizes activities of the Group relative to the care and treatment of disabled veterans and other matters pertinent to the Department of Veterans Affairs' Veterans Health Administration. It is available for public inspection at two locations:

Federal Documents Section, Exchange and Gift Division, LM 632, Library of Congress, Washington, D.C. 20540
and

Department of Veterans Affairs, Office of the Under Secretary for Health, VA Central Office, room 819, 810 Vermont Avenue NW., Washington, D.C. 20420.

Dated: February 6, 1995.

Heyward Bannister,*Committee Management Officer.*

[FR Doc. 95-4142 Filed 2-17-95; 8:45 am]

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[AC-09; OTS No. 03357]

**Reliance Federal Savings and Loan
Association of St. Louis County, St.
Louis, Missouri; Approval of
Conversion Application**

Notice is hereby given that on February 2, 1995, the Deputy Assistant Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Reliance Federal Savings and Loan Association of St. Louis County, St. Louis, Missouri, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Irving, Texas 75039.

Dated: February 14, 1995.

By the Office of Thrift Supervision.

Nadine Y. Washington,*Corporate Secretary.*

[FR Doc. 95-4093 Filed 2-17-95; 8:45 am]

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[AC-11; OTS No. 02794]

**Teche Federal Savings Bank, Franklin,
Louisiana; Approval of Conversion
Application**

Notice is hereby given that on February 2, 1995, the Deputy Assistant Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Teche Federal Savings Bank, Franklin, Louisiana, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Irving, Texas 75039.

Dated: February 14, 1995.

By the Office of Thrift Supervision.

Nadine Y. Washington,*Corporate Secretary.*

[FR Doc. 95-4095 Filed 2-17-95; 8:45 am]

BILLING CODE 6720-01-M

**Summary of Precedent Opinions of the
General Counsel**

AGENCY: Department of Veterans Affairs.
ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Department's General Counsel involving veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claim matters. It is being published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretation regarding the legal matter at issue.

FOR FURTHER INFORMATION CONTACT: Jane L. Lehman, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-6558.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 2.6(e)(9) and 14.507 authorize the Department's General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving

veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel which must be followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.
O.G.C. Precedent 17-94

Question Presented

May a supervisor for a State Approving Agency (SAA) enroll in and pursue training at a for-profit flight school in a course approved for training under a VA administered education benefits program?

Held

1. An SAA officer or employee will be considered to have received "services" from a for-profit educational institution within the meaning of section 3683 of title 38, United States Code, when the individual receives instruction in a course approved for VA purposes at that institution, even though the official or employee is enrolled in and pursuing the course on the same basis as similarly circumstanced students not so employed.

2. A waiver may be granted by the Director, Education Service, or by the Secretary, pursuant to 38 CFR 21.4005, when the facts show no detriment to the United States, veterans, or eligible persons will ensue from the receipt of such services by the SAA officer or employee.

Effective date: July 18, 1994
O.G.C. Precedent 18-94

Question Presented

Whether service as a precadet at the United States Air Force Academy Preparatory School may be considered "active duty" service for purposes of title 38, United States Code.

Held

Characterization of an individual's service at the United States Air Force Academy Preparatory School (USAFAPS) for purposes of entitlement to veterans' benefits depends upon the

status in which the individual enters the USAFAPS. Service by an individual who attends the USAFAPS as a reservist called to active duty for the sole purpose of attending the USAFAPS constitutes "active duty for training." This includes persons who are enlisted directly from civilian life or from the Air National Guard for the sole purpose of attending the USAFAPS, as well as members of reserve components who are called to active duty for this purpose. Service by an enlisted active-duty servicemember who is reassigned to the USAFAPS without a release from active duty constitutes a continuation of the servicemember's "active duty."
Effective date: October 3, 1994
O.G.C. Precedent 19-94

Question Presented

Is the prerequisite of 38 U.S.C. 5904(c)(1) and 38 CFR 20.609(c)(1) requiring a final decision by the Board of Veterans' Appeals (BVA) prior to charging an attorney fee satisfied when a "repeat" claim is filed after a final BVA decision has been issued regarding an earlier, similar claim, e.g., a claim for pension, an increased rating, a total rating based on individual unemployability, or service connection for a prisoner of war (POW) presumptive disease?

Held

The prerequisite of a final decision by the Board of Veterans' Appeals (BVA) prior to charging an attorney fee contained in 38 U.S.C. 5904(c)(1) and 38 CFR 20.609(c)(1) is satisfied when a "repeat claim" for benefits is filed after a final BVA decision has been issued regarding an earlier, similar claim, e.g., a claim for pension, an increased rating, a total rating based upon individual unemployability, or service connection for a prisoner of war presumptive disease.

Effective date: October 12, 1994
O.G.C. Precedent 20-94

Question Presented

When and under what conditions may the Board of Veterans' Appeals decide issues in a claim following an appeal to the United States Court of Appeals for the Federal Circuit from a decision of the United States Court of Veterans Appeals affirming, or reversing or vacating in whole or in part and remanding, a decision of the Board?

Held

When an appellant files a timely appeal to the United States Court of Appeals for the Federal Circuit from a United States Court of Veterans Appeals decision to affirm or to reverse or vacate

in whole or in part and remand a Board of Veterans' Appeals decision, the Board's disposition of all aspects of the matter must await the issuance of the mandate of the Court of Veterans Appeals concluding the appeal.
Effective date: December 2, 1994
O.G.C. Precedent 21-94

Question Presented

Must the need for aid and attendance be permanent in order to qualify for a higher rate of improved pension?

Held

The statutory provisions in 38 U.S.C. 1502(b), 1521(d), and 1541(d), authorizing an increased improved-pension rate for persons in need of regular aid and attendance, do not require that the need be permanent as a predicate to an award of the increased rate. To the extent that the title of 38 CFR 3.352 suggests that the need must be permanent, that title is inconsistent with the governing statutes and should be revised. Increased improved pension based upon the need for regular aid and attendance may be awarded without regard to whether the need is permanent.

Effective date: December 13, 1994
O.G.C. Precedent 22-94

Question Presented

What effect does the judicial invalidation of a portion of the regulations governing effective dates of awards of benefits under the Restored Entitlement Program for Survivors (REPS) have on the payment of benefits under that program?

Held

The United States Court of Veterans Appeals and the United States Court of Appeals for the Federal Circuit, in their decisions in the Skinner and Cole cases, found Department of Veterans Affairs regulations establishing time-specific filing requirements for claims under the Restored Entitlement Program for Survivors (REPS) to be invalid. For new claims filed after issuance of those decisions and for claims pending at the time those decisions were issued, REPS benefits may be awarded without regard to when the claims were filed. Where claimants whose claims were finally decided prior to issuance of those decisions file claims for previously-denied REPS benefits based on the change in interpretation of law reflected in those opinions or on regulations reflecting that changed interpretation, the claims may be considered new claims and previously-denied REPS benefits for which the claimants are otherwise entitled may be awarded

without regard to when the claims were filed. Benefits may be paid beginning with the first month in which the claimant became eligible for REPS benefits.

Effective date: December 14, 1994.

By Direction of the Secretary.

Mary Lou Keener,

General Counsel.

[FR Doc. 95-4141 Filed 2-17-95; 8:45 am]

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