

EFFECTIVE DATES (INTERMEDIATE) LESSON PLAN

PREREQUISITE TRAINING	Prior to this training, the VSRs must have completed the following lessons: Basic Effective vs. Payment date; CRDP/CRSC; Advanced Dependency; and Incarceration.
PURPOSE OF LESSON	<p>The purpose of this lesson is to provide continued training in determining effective dates and how this applies to a Veteran's compensation benefits. This lesson will present the following material to the VSRs:</p> <ul style="list-style-type: none">▪ Review the basics of determining effective dates.▪ Recognize the factors to determine effective dates.
TIME REQUIRED	1.5 hours: Class presentation and demonstration
INSTRUCTIONAL METHOD	Lecture, participatory discussion, and practical application
MATERIALS/ TRAINING AIDS	<p>Classroom or private area where a discussion may be held. Chairs and writing surfaces are required.</p> <p>Large writing surface such as: easel pad, chalkboard, dry erase board with appropriate markers, overhead projector, or computer with projection equipment and PowerPoint software.</p> <ul style="list-style-type: none">▪ Effective Date <i>VSR Handouts</i>▪ Effective Date-Chart
REFERENCES	<p>38 U.S.C. 5110: Effective dates of awards 38 CFR 3.1(r): Date of receipt 38 CFR 3.400: Effective dates: General 38 CFR 3.401: Effective dates: Veteran 38 CFR 3.654: Active Service Pay 38 CFR 3.665: Incarceration - Compensation 38 CFR 3.666: Incarceration - Pension 38 CFR 3.667: School Attendance 38 CFR 3.750: Military Retired Pay</p>

*Effective Dates (Intermediate)
Lesson Plan*

M21-1MR, Part III.iii.5: Relationship and Dependency

M21-1MR, Part III.iii.6: School Attendance

M21-1MR, Part III.v.5: Military Retired Pay

M21-1MR, Part III.v.8: Incarceration

Electronic Performance Selective System Tool (EPSS): Effective Dates

**INSTRUCTOR
PREPARATION**

The instructor should:

1. Review STAR error reports to identify any training needs for their particular RO
2. Understand how to apply regulations and directives to determine effective date
3. Be knowledgeable with the EPSS tool for Effective dates.
4. Review handouts and prepared training forms and scenarios prior to presenting this class.

INTRODUCTION

Introduce yourself and inform participants of the lesson topic.

Provide a quick but beneficial review on determining effective dates and payment dates. Refer VSRs to the basic lesson.

MOTIVATION

Tell the VSRs the number one issue with STAR errors is notification, which includes providing correct effective dates. This class will provide the VSR with the tools and knowledge needed for processing claims based on additional dependents, adjusting compensation benefits due to military service and incarceration, and for reductions to a Veteran's compensation benefits.

REVIEW BASICS OF EFFECTIVE DATE

**TEACHING
POINTS**

For VA benefit purposes, we will briefly discuss the basics to determine the effective date:

- Date of receipt, usually referred to as Date of claim (DOC)
- Date entitlement arose
- Payment date

Refer to handout

Refer VSRs to turn to page 4 of their VSR handout. Have them highlight individual words or phrases to emphasize a need to know. For example: date of receipt and date entitlement arose.

*Effective Dates (Intermediate)
Lesson Plan*

Definition of an Effective date	Direct their attention and explain under 38 CFR 3.400 the effective date is determined by the <u>date of receipt</u> of claim by VA, or the <u>date entitlement arose</u> , whichever is later.
Date of receipt 38 CFR 3.1(r)	<p>Explain that the “date of receipt” means the date on which a claim, information or evidence was received in the Department of Veterans Affairs.</p> <p>Stress to them, the date of receipt is the earliest date the item was received in any part of VA (VA Medical Center, VA Insurance Center, etc.).</p> <p>Discuss and review the below example with the class. It’s advisable to use the white board as a visual aid.</p> <p>Example: On March 21, 2006, the VA receives a claim from the Veteran with a signature dated March 13, 2006. On August 24, 2006, a rating decision granted service-connected benefits at 10%. What is the effective date of the award?</p>
Date entitlement arose	<p>Remind them if the claim is for direct service connection and the claim was received within 1 year after the Veteran’s separation from active duty, then the effective date is the first day following release from active duty or the date entitlement arose. For claims received after 1 year from separation, the effective date would be the date the claim is received or the date entitlement arose, whichever is later.</p> <p>Date entitlement arose is very similar to “facts found”. Ask the class to give examples of facts found. Basically it means that the effective date is the date the claimant’s evidence shows factual evidence of entitlement.</p>
Review and Check comprehension	<p>Before moving on to the main objective of this lesson, make sure the VSRs have a clear understanding of what determines an effective date.</p> <p>Ask the VSRs if they understand the regulations governing the definition of effective date, date of receipt, and date entitlement arose.</p>
Refer to Review exercise pg 6	Ask them to explain the differences.

Effective date vs. Payment date Exercise

Note: The next exercise is included to assist the instructor with reviewing the basics of effective vs. payment date. It is the instructor's responsibility to review and create possible scenarios with the provided dates.

Important: Make sure to inform the VSRs this exercise takes away the main step when processing a claim: Reviewing the file.

Fill in the Effective Date and Payment Date for each example below.

(Answers for exercise)

Release of Active Duty (RAD)	Claim Type	Date of Claim	S/C Grant	Effective Date	Payment Date
04-15-06	Original	04-03-07	04-16-06	04-16-06	05-01-06
06-12-05	Reopen	07-12-06	09-15-06	09-15-06 *	10-01-06
12-13-72	Presumptive	09-12-07	04-09-07	04-09-07	05-01-07
07-05-06	Informal date 12-05-06	08-19-07	07-06-06	07-06-06 *	08-01-06
04-15-98	Increase	01-05-08	09-22-07	09-22-07	10-01-07

Be advised: These examples can be tricky and may need more explanation.

** For reopened claims, the effective date can be after the Date of Claim when the entitlement arose after the Date of Claim. "date of receipt of claim or date entitlement arose, **whichever is later.**"*

** Informal claims can be tricky and confusing because the effective date can be based on the Informal date of claim if the Informal claim is submitted less than 1 year after discharge, even though the Formal Date of Claim is more than 1 year after discharge. The Informal date of claim is acceptable to use as the effective date when the Formal claim is received within 1 year of notification.*

DEPENDENTS

OBJECTIVES	The VSR will be able to state the rules on effective dates for adding a spouse and children to a Veteran's award.
REFERENCES	<ul style="list-style-type: none">▪ 38 CFR 3.401(b)▪ 38 CFR 3.667
TEACHING POINT	The purpose of this lesson is to give the VSR a "step-by-step" routine in reviewing evidence to establish, confirm and verify dependents, so they can determine the proper effective date. Refer VSRs to page 5 of the training handouts.
38 CFR 3.401(b)	Refer VSRs to page 7 of their handout and open the regulation. With the fill-in the block exercise, show the VSRs how to apply this regulation for determining the effective dates when adding dependents.
Refer to Effective date chart: Dependents	Have VSRs refer to their chart and discuss this regulation.
REMINDER	<p>Once the VSR has confirmed entitlement to additional dependency benefits, now it is time to determine if the effective date is based on: Date of Claim or Date entitlement arose.</p> <p>Establishing dependency was previously covered under the Dependents lesson plan, therefore, any prolonged explanation, should be "Parked".</p> <p><u>Briefly</u> discuss common evidence received by VA to establish dependency on an award.</p>

*Effective Dates (Intermediate)
Lesson Plan*

Once again, it is the instructor's responsibility to review and create possible scenarios with the provided dates.

Answers to Dependency exercise

Effective Date of the Grant of 30% or more	Date VA Notified the Veteran	Event	Date Evidence Received	Effective Date
04-15-98	03-25-07 with 686c sent	Married 05-01-00 Child born 06-07-02	} 04-27-07	Spouse 05-01-00 Child 06-07-02
06-12-05	06-30-05 with 686c sent	Married 11-15-35	07-12-06	07-12-06
12-13-06	12-30-06 with 686c sent	Married 04-09-07	09-12-07	04-09-07
07-05-06	07-15-06 with 686c sent	Married 08-15-03 Child born 08-25-06	} 08-19-07	Spouse 08-19-07 Child 08-25-06
04-15-98	03-25-07 with 686c sent	Married 09-15-92 Child born 03-12-00 Child born 03-19-98 Child born 06-19-07	} 01-05-08	Spouse 04-15-98 03-12-00 04-15-98 06-19-07

Hint: For game purposes, copy and paste the above table into a word document and remove the answers in the Effective Date and Payment Date columns. Make copies and pass out after presentation of lesson.

You may want to show the students an example of the exercise on the whiteboard, to avoid confusion.

ADJUSTMENTS BASED ON MILITARY CLAIMS

TOPIC	The VSR will be able to select the correct effective date for adjustments due to: Return to Active Duty; Discharge from the military; TDRL; and receipt of CDRP/CRSC pay.
OBJECTIVES	
REFERENCES	38 CFR 3.400 38 CFR 3.654 M21-1MR, Part III, Subpart v.4 M21-1MR, Part III, Subpart v.5
TEACHING POINTS	Emphasize that effective dates may apply differently depending on the type of claim you are promulgating.
Refer to chart	Refer VSRs to pages 18 & 19 to review and process the VA Form 21-4138 and VA Form 21-8951.

INCARCERATION

REFERENCES	<ul style="list-style-type: none">▪ 38 CFR 3.665▪ 38 CFR 3.666▪ M21-1MR, Part III.v.8
TEACHING POINTS	<p>The purpose is to give the VSR a basic idea of how to determine the effective date once VA proposes to reduce or discontinue benefits. Refer VSRs to Effective date chart and at the same time have VSRs review regulations and directives.</p> <p>Discuss the situations when the VSR will need to reduce or discontinue benefits. Because the PMCs will be processing claims for pension benefits, we will only address compensation during this part of the lesson.</p> <p>Refer to VA Form 21-4193 and scenario. Work out with the class on the white board for visual training.</p>
Review and Check for comprehension	The instructor may want to have a couple of actual cases to do a quick review with the class. This could identify any misunderstandings or confusion.