Fugitive Felon Program

Instructor Lesson Plan

Time Required: 2.25 Hours

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| Lesson Description | |
| The information below provides the instructor with an overview of the lesson and the materials that are required to effectively present this instruction. | |
| TMS # | 1197941 |
| Prerequisites | Prior to this lesson, the Veteran Service Representatives (VSRs) should have 24 months of VSR experience. Trainees should also have completed training in all identified topics from Phase I, Phase II and Phase III Challenge schedule that applies to their specific level of experience. |
| target audience | The target audience for Fugitive Felon Program is VSR Journey Level.  Although this lesson is targeted to teach the VSR Journey Level employee, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 2.25 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Fugitive Felon Program PowerPoint Presentation * Fugitive Felon Program Trainee Handouts |
| Training Area/Tools | The following are required to ensure the trainees are able to meet the lesson objectives:   * Classroom or private area suitable for participatory discussions * Seating, writing materials, and writing surfaces for trainee note taking and participation * Handouts, which include a practical exercise * Large writing surface (easel pad, chalkboard, dry erase board, overhead projector, etc.) with appropriate writing materials * Computer with PowerPoint software to present the lesson material   Trainees require access to the following tools:   * VA TMS to complete the assessment * VBA Intranet * Compensation Training Website |
| Pre-Planning | * Become familiar with all training materials by reading the Instructor Lesson Plan while simultaneously reviewing the corresponding PowerPoint slides. This will provide you the opportunity to see the connection between the Lesson Plan and the slides, which will allow for a more structured presentation during the training session. * Become familiar with the content of the trainee handouts and their association to the Lesson Plan. * Practice is the best guarantee of providing a quality presentation. At a minimum, do a complete walkthrough of the presentation to practice coordination between this Lesson Plan, the trainee handouts, and the PowerPoint slides and ensure your timing is on track with the length of the lesson. * Ensure that there are copies of all handouts before the training session. * When required, reserve the training room. * Arrange for equipment such as flip charts, an overhead projector, and any other equipment (as needed). * Talk to people in your office who are most familiar with this topic to collect experiences that you can include as examples in the lesson. * This lesson plan belongs to you. Feel free to highlight headings, key phrases, or other information to help the instruction flow smoothly. Feel free to add any notes or information that you need in the margins. |
| Training Day | * Arrive as early as possible to ensure access to the facility and computers. * Become familiar with the location of restrooms and other facilities that the trainees will require. * Test the computer and projector to ensure they are working properly. * Before class begins, open the PowerPoint presentation to the first slide. This will help to ensure the presentation is functioning properly. * Make sure that a whiteboard or flip chart and the associated markers are available. * The instructor completes a roll call attendance sheet or provides a sign-in sheet to the students. The attendance records are forwarded to the Regional Office Training Managers. |

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| Introduction to Fugitive Felon Program | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | 0.25 hours |
| Purpose of Lesson  Explain the following: | | This lesson is intended to provide an overview of the fugitive felon program. This lesson provides an overview of the fugitive felon program. It also contains discussions and exercises regarding the following topics:   * VA and OIG Responsibilities * Fugitive Felon Status |
| Lesson Objectives  Discuss the following: | In order to accomplish the purpose of this lesson, the VSR will be required to accomplish the following lesson objectives.  The VSR will be able to:   * Identify characteristics of the fugitive felon program * Identify Office of Inspector General (OIG) responsibilities related to fugitive felons * Identify VA responsibilities when processing fugitive felon referrals * Differentiate effective dates for fugitive felon status * Differentiate the requirements to maintain or terminate fugitive felon status and payments | |
| Explain the following: | Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed. | |
| Motivation | Have you wondered how someone wanted by law enforcement survives and avoids apprehension without a job or money? Organizations like the VA have been guilty of providing means to these individuals.  For example, a VSR once issued a retroactive payment in excess of $25,000 to a Veteran. The PO box did not catch anyone’s attention because the VSR was focused on ensuring the large amount of money was approved. Two days later, the VARO Director received a call from a prison warden, who jokingly accused VA of providing funds to stage a large escape.  On December 27, 2001, Congress enacted the Veterans Education and Benefits Expansion Act of 2001, PL 107-103. This law prohibits payments as means of support that allow fugitive felons to flee. In these instances, VA benefits are stopped, along with apportionments to dependents. This action can affect surviving children; however, the children can for benefits on their own. This complex issue requires an understanding of the VA’s Fugitive Felon Program and the responsibilities of the Office of Inspector General (OIG) and the VA in identifying beneficiaries and dependents that are fugitive felons and making corresponding adjustments. | |
| STAR Error code(s) | The Systematic Technical Accuracy Review (STAR) Program reviews cases and considers them either “accurate” or “in error” for the purpose of measuring technical accuracy  Please discuss the common errors related to the Fugitive Felon Program with the trainees.  Task 7 – All effective dates affecting payment correct  Task 8 – Dependency adjustment  Task 10 – Was the notification correct  Task 7 – Were all required adjustments made  Task 1 – Was a predetermination notice sent | |
| References  Slide 3  Handout 3 | Explain where these references are located in the workplace.  All M21-1 references are found at the [Compensation and Pension Knowledge Management (CPKM) Portal](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034).   * [VAOPCGPREC 7-2002 VA Termination of Benefits of Fugitive Felons Under Section 505 of Public Law No. 107-103](http://www.bing.com/search?q=vaopcgprec+7-2002&src=ie9tr) * [Public Law 107-103](http://www.bing.com/search?q=public+law+107-103+fugitive+felon&qs=AS&pq=public+law+107-103&sk=AS1&sc=4-18&sp=2&cvid=15816A1C6D5C44D9A0D6F86175E2AFA3&FORM=QBRE) * [38 U.S.C. 5313B, Prohibition on providing certain benefits with respect to persons who are fugitive felons](https://www.law.cornell.edu/uscode/text/38/5313B) * [38 CFR 3.665 Incarcerated Beneficiaries and Fugitive Felons – Compensation](https://www.law.cornell.edu/cfr/text/38/3.665) * [38 CFR 3.666 Incarcerated Beneficiaries and Fugitive Felons – Pension](https://www.law.cornell.edu/cfr/text/38/3.666) * [38 CFR 3.31(c)](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=39c7e367a71c8efc570650851b266303&rgn=div5&view=text&node=38:1.0.1.1.4&idno=38#se38.1.3_131) * [M21-1, Part X, Chapter 8, Fugitive Felon Match](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015144/M21-1-Part-X-Chapter-16-Fugitive-Fel) * [VBA Letter 20-14-09](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015144/M21-1-Part-X-Chapter-16-Fugitive-Fel) | |

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| Topic 1: Overview of the Fugitive Felon Program | | |
| Introduction | This topic will allow the trainee to gain knowledge of definitions surrounding and the programs affected by the Fugitive Felon Program. | |
| Time Required | 0.5 hours | |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Given references and the trainee handout packet, identify characteristics of the fugitive felon program.   The following topic teaching points support the topic objective:   * Fugitive Felon * Terms * Prohibition of the Payment Benefits * Address Requests | |
| Fugitive Felon  Slide 4  Handout 4  Felony | A fugitive felon is a person who is a fugitive by reason of:   * Fleeing to avoid prosecution, custody or confinement after conviction for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees * considered a fugitive because he/she violated a condition of probation or parole imposed for commission of a felony.   A person convicted in a court of law of a felony crime is known as a felon. The federal government defines a felony as a crime punishable by death or imprisonment in excess of one year. If punishable by exactly one year or less, the offense is classified as a misdemeanor. A felony includes a high misdemeanor under the laws of a state that would be a felony offense under federal law. | |
| 38 U.S.C. 5313B  Slide 5  Handout 4 | 38 U.S.C. 5313B states *that a Veteran who is otherwise eligible for a VA benefit may not receive such benefit for any period during which the Veteran is a fugitive felon.*  5313B Prohibits the payment of specified benefits to   * a beneficiary, to include an apportionee, while he/she is considered a fugitive felon * a beneficiary’s dependent(s), to include approtionees, while the beneficiary is considered a fugitive felon * additional VA benefits to a beneficiary for a dependent who is considered fugitive felon | |
| Terms  Slides 6  Handout 4-5 | In order to gain a better understanding of the fugitive felon program, it is important to understand the following list of terms:   * Dependent * Arrest warrant * Office of Inspector General (OIG)   For VA purposes, a dependent is a spouse, child, or dependent parent of a Veteran.  An arrest warrant is a warrant issued by and on behalf of the state, which authorizes the arrest and detention of an individual. An arrest warrant is an order from a magistrate or other official authorized to issue warrants directing that a named individual be arrested and brought before the issuing official.  OIG is an acronym for the Department of Veteran Affairs Office of Inspector General. OIG’s mission is dedicated to helping VA ensure that Veterans and their families receive the care, support, and recognition they have earned through service to their country. OIG strives to help VA achieve its vision of becoming the best-managed service delivery organization in Government. OIG continues to be responsive to the needs of its customers by working with the VA management team to identify and address issues that are important to them and the Veterans served. | |
| Exercise | Ask the trainees the following questions:  *1. What is a fugitive felon?*  Response: An individual that is fleeing to avoid prosecution, or custody or confinement after conviction, for a felony offense or has violated a condition of probation or parole imposed for commission of a felony  *2. What does 38 U.S.C. 5313B state?*  Response: 38 U.S.C. 5313B states that a Veteran who is eligible for a VA benefit may not receive such benefit for any period during which the Veteran is a fugitive felon. A dependent of a Veteran who is eligible for a benefit may not be paid such benefit for any period during which the Veteran or dependent is a fugitive felon.  *3.* *Define the following:*   * *Felony* * *Dependent* * *Arrest Warrant* * *OIG*   Responses: A felony is a high misdemeanor under the laws of a state that would be a felony offense under federal law. A person convicted in a court of law of a felony crime is known as a felon. The federal government defines a felony as a crime punishable by death or imprisonment in excess of one year.  A dependent is a spouse, surviving spouse, child, or dependent parent of a Veteran.  An arrest warrant is a warrant issued by the state, authorizing the arrest and detention of an individual.  OIG is an acronym for the Department of Veteran Affairs Office of Inspector General. OIG helps the VA ensure that Veterans and their families receive the care, support, and recognition they have earned through service to their country. | |
| Prohibition of the Payment of Benefits  Slides 5 Handout 5 | The following VA programs prohibit payments to fugitive felons:   * Disability Compensation or Death Compensation * Dependency and Indemnity Compensation * Improved Pension * Hospital, nursing home, domiciliary and medical care insurance * Montgomery GI Bill (Active Duty): Chapter 30 * Vocational Rehabilitation: Chapter 31 * Veterans Educational Assistance Program (VEAP): Chapter 32 * GI Bill under Chapter 34 * Survivors and Dependents Educational Assistance: Chapter 35 * Home Loan Program | |
| Notes | Prohibition of benefits **does not** apply to Old Law Pension or Section 306 Pension beneficiaries.  Dependent children of a fugitive surviving spouse may receive benefits in their own right. However, a primary beneficiary may not receive additional compensation or DIC or a higher maximum annual pension rate for a fugitive felon dependent. | |
| Address Requests  *Slide 7* Handout 5 | Upon written request of federal, state, or local law enforcement, VBA will furnish the most current address maintained by VA of a person eligible for any of the benefits specified above.  If a request is received from federal, state, or local law enforcement, the request must:   * Provide information that VA requires to fully identify the person * Identify the person as being a fugitive felon * Certify that apprehending the person is within the realm of duties of this official | |
| EXERCISE | Have trainees turn to the Attachment D: Topic 1 Exercise in their trainee handout packet and complete the puzzle. Review the responses with the class. | |
| Topic 2: OIG and VA Responsibilities | | |
| Introduction | | This topic will allow the trainee to identify the responsibilities of OIG and VA relative to fugitive felons, including the steps for resolving fugitive felon issues. |
| Time Required | | 0.25 hours |
| OBJECTIVES/ Teaching Points | | Topic objectives:   * Identify Office of Inspector General (OIG) responsibilities relative to fugitive felons. * Identify VA responsibilities when processing fugitive felon referrals.   The following topic teaching points support the topic objectives:   * OIG Responsibilities * VA Responsibilities |
| OIG Responsibilities  Slides 8-9  Handout 6 | | OIG is responsible for:   * Entering into computer matching agreements with law enforcement agencies * Matching lists of individuals with a felony arrest warrant, to which one of the offense codes shown in M21-1, Part X, 8.1.e has been assigned, against VA records to identify beneficiaries and dependents of beneficiaries that might be fugitive felons * Investigating each matched case to determine whether the individual with the felony arrest warrant and the VA beneficiary or dependent are the same person * Referring matched cases, electronically, to the Veterans Benefits Administration (VBA), on *Form FFP-3, VA Investigative Summary Form*, and * providing VBA with ongoing advice, assistance, and investigative resources to help resolve issues concerning the legal status of any alleged fugitive felon. |
| OIG Fugitive Felon Identification Steps  Slides 10-11  Handout 6 | | Step 1 – OIG routes to VBA batches of Forms FFP-3 with the names of individuals that are receiving benefits from VA or are dependents of VA beneficiaries  Step 2 – For each fugitive felon case that meets the criteria for automated processing, VA systems   * Establish an end product (EP) 600, * Generate a notice of proposed adverse action, and * Send the notice to the affected beneficiary (and apportionee, if applicable).   If the case does NOT meet the criteria for automated processing, the system will generate an EP 290.  Step 3 – VBA uploads the *Forms FFP-3* to the appropriate electronic claims folder.  **NOTES**: Generally, VBA does NOT upload Form FFP-3 if the warrant for which the form was generated was cleared within 30 days of issuance.  If the fugitive felon case remains eligible for automated processing, there is no further RO action required.    There are times a case may *initially* meet the criteria for automated processing but will later require manual processing by the RO (see M21-1.X.16.2.c). |
| VA Claim Development Considerations  *Slide 12* Handout 7 | | Important points to consider when working a fugitive felon case:   * Development is usually not necessary since OIG verifies that the warrant was still outstanding before referral to VA * Do not take adverse action without first providing due process * Process the award to terminate or reduce under EP 600 * EP 290 date of claim (DOC) is the date of the OIG referral * EP 600 DOC is established using the current date * The FFP 3 remains in the eFolder. If an FFP 4 is attached, it should be completed and sent back to VA Central Office * Do not initiate due process on a fugitive felon case without a referral from OIG on an FFP-3 form or similar document * If you identify a possible fugitive felon from other sources, send an e-mail with identifying information and other available details to the VAVBAWAS/CO/212A mailbox. Compensation Service will refer the information to OIG to determine whether to issue an FFP-3 or other referral document. Document the information received on VA Form 27-0820, Report of General Information, and do not take further action until a response is received from OIG. |
| VA responsibilities *Slides 13-14**Handout* *7* | | VA is responsible for:   * controlling each *Form FFP-3* it receives from OIG * providing notice of proposed adverse action to the affected beneficiary * determining whether it is more likely than not that the individual named on *Form FFP-3*   + *fle*d from justice, or   + violated a condition of probation or parole * stopping or reducing the beneficiary’s award (if the determination referenced in the above bullet is unfavorable) during the period(s) when the beneficiary or beneficiary’s dependent is/was in a fugitive felon status * notifying the beneficiary of the decision, whether favorable or unfavorable, and * resuming benefits upon receipt of adequate evidence showing the beneficiary or beneficiary’s dependent is no longer a fugitive felon.   **NOTE**: Bullets 1-5 may be accomplished via the automated process |
| MANUAL PROCESSING BY RO *Slides 15-19* *Handout 8-10* | | If a fugitive felon case does not meet the criteria for automated processing, the system will establish an *EP 290-Fugitive Felon*, and assign the EP to an RO for manual processing. A case may require manual processing if:   * Beneficiary (and/or apportionee, if applicable) responds to the due process letter * Beneficiary (and/or apportionee, if applicable) does not respond but:   + the award is currently stopped or suspended   + there is history of an award override   + there is a withholding (recoupment, apportionment, etc.)   + another award is pending authorization   + new documents were recently added to the e-folder   When that occurs, take the actions in the following table:   |  |  | | --- | --- | | **Step** | **Action** | | 1 | Make sure name, date of birth, and Social Security number printed on *Form FFP-3* match the individual (beneficiary or dependent) to or for whom VA has awarded benefits.  If the information does NOT match, send an e-mail to VAVBAWAS/CO/212A (VSCs) or VAVBAWAS/CO/P&F POL & PROC (PMCs) and wait for a response. | | 2 | If the information on *Form FFP-3* does match:   * Clear the EP 290, and * Establish EP 600 with current date as the date of claim, enter a contention, and add the Potential Under/Overpayment as a special issue. | | 3 | Prepare and send the beneficiary (and apportionee, if applicable) the notice of proposed adverse action in the Letter Creator tool.  If Form FFP-3 lists an arrest or “warrant invalid” date, the due process letter should also inform him/her that VA will resume the award effective that date.  **REMINDER**: Make sure the due process letter includes the required elements as discussed in M21-1.I.2. | | 4 | When the beneficiary (and/or apportionee, if applicable) responds or 65 days has passed with no response, whichever is earlier, make a determination on whether or not an award adjustment is required.  **NOTE**: If a timely hearing is requested that must be held before a decision is made. | |
| MAKING A DECISION  *Slides 16-19*  *Handout 9-10* | | Upon the expiration of the due process period, or a response is received from the veteran, use the information below to assist you in making a determination on whether or not an award adjustment is needed.  **If** the beneficiary (or apportionee, if applicable) acknowledges the validity of the warrant listed on FFP-3 or fails to respond, **then** adjust the beneficiary’s (and/or apportionee’s, if applicable) award under the pending EP 600 and notify the beneficiary (and/or apportionee, if applicable) using the letter in the Letter Creator tool. NOTE: if the beneficiary/dependent is no longer a fugitive felon, then resume the payment of benefits at the same time.  **If** the beneficiary (and/ or apportionee, if applicable) submits official documents from a court, police department, or other government agency showing:   * the warrant was cleared/vacated within 30 days * the warrant was determined to be void from its inception due to a mistake or defect * the warrant was recalled from a specific date that is prior to the date of the warrant * the terminology “nunc pro tunc” was used * the warrant may have been due to identity theft   **Then** clear the pending EP 600 and notify the beneficiary (and/or apportionee, if applicable) using the letter in the Letter Creator tool. Leave a permanent note in VBMS to explain why no award adjustment was made.  **If** the beneficiary (and/ or apportionee, if applicable) or the court that issued the warrant submits official documents that contradict the information shown on Form FFP-3 and the RO is unable to resolve the inconsistencies, **then** email a summary of the inconsistencies to VAVBAWAS/CO/212A (VSCs), or VAVBAWAS/CO/P&F POL & PROC (PMCs) and take no further action until a response is received.  If the fugitive felon status is NOT confirmed:  Clear the pending EP 600 and notify the beneficiary (and/or apportionee, if applicable) using the letter in the Letter Creator tool. |
| Notice of Proposed Adverse Action | | Attachment C: Sample Notice of Proposed Adverse Action is included in the trainee handout packet. Please take time to discuss the components of this notice and the requirement to provide it to beneficiarie This lesson provides an overview of the fugitive felon program. It also contains discussions and exercises regarding the following topics:  s when VA identifies them or one of their dependents as a fugitive felon. Claims processors must also provide this notice to apportionees VA has identified as a fugitive felon. The notice can be generated in Letter Creator. |
| Exercise | | Allow the trainees fifteen minutes to complete Attachment E: Topic 2 Exercise in their trainee handout packet. Review as a class. |

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| Topic 3: Fugitive Felon Status | |
| Introduction | This topic will allow the trainee to determine effective dates for fugitive felon status and to understand the evidence needed to resume the payment of benefits. |
| Time Required | 0.75 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Differentiate effective dates for fugitive felon status * Differentiate the requirements to maintain or terminate fugitive felon status and payments * Identify the steps associated with processing Form FFP-3   The following topic teaching points support the topic objectives:   * Fugitive Felon Effective Dates * Resumption of Payments * Status Confirmation * Warrants * Dependents That Are Fugitive Felons   Note: For Topic 3 Exercise, preferred to have live fugitive felon cases for the trainees to review. |
| Fugitive Felon Status Start and End Dates  Slide 20 - 21  Handout 10 | * **Start Date**: A person is considered to be in fugitive felon status from the later of the following dates: * The date of the warrant * December 27, 2001, the date of the fugitive felon law   Discontinue the status effective from the later of the dates listed above.   * **End Date**: A person is no longer fugitive felon status from the earlier of the following dates: * The date of arrest for the particular warrant that is the subject of the referral from the OIG * The date the warrant is determined to be invalid by the warrant agency, a court, or OIG |
| Resumption of Payments | In order to resume payments, the following must be considered:   * Beneficiary Responsibilities * VA Responsibilities * 38 CFR 3.31(c) * Notice That Fugitive Status Has Ended |
| Beneficiary Responsibilities  Slide 22  Handout 10 | To resume payments, the following must occur:   * The beneficiary contacts the RO alleging that he/she is no longer in fugitive status * The beneficiary submits official documentation or provides information of an official who can verify * VSR should document this information on VA Form 27-0820. |
| VA Responsibilities  Slide 23  Handout 10 - 11 | Once a beneficiary is out of fugitive felon status, resume benefits effective the date of arrest for the warrant that is the subject of the referral from OIG, or the date the warrant is determined invalid by the warranting agency, a court, or OIG, if request is received within one year of that date. If request for resumption is not received within one year, resume benefits effective the first of the month following the date VA received the request. |
| *Check comprehension* | Ask the trainees: “Who is responsible for each action?”  1. Contacts the RO alleging that he/she is no longer in fugitive status  **Response:** Beneficiary  2. Determines the effective date to resume an award  **Response: VA**  3. Submits official documentation or provides contact information of an official who can verify  **Response:** Beneficiary  4. Resumes the payment benefits once a beneficiary is out of fugitive felon status  **Response:** VA  *Note: Inform the trainees that Attachment A: Fugitive Felon Status Start and End Dates is included in the trainee handout packet for later review.* |
| 38 CFR 3.31(c)  *Slide 24*  *Handout 11* | There is an adjustment under 38 CFR 3.31(c) that provides an exception to general provisions. Resumption of payments is not to be deferred until the first of the following month.   * Example: Joe Smith was out of fugitive felon status on October 14, 2018; therefore, resume his payment as of October 14, not November 1. * Exception: If John Smith failed to reopen a claim within one year after notification of discontinuance of benefits, or within one year of removal of fugitive felon status, resume benefits, if appropriate, from the date of claim, and delay payments until the first of the month after the effective date of the award per 38 CFR 3.31. |
| Clearing Fugitive Status    *Slide 25*  *Handout 11* | A new EP 290 is established when the award has been discontinued, and the beneficiary contacts the Regional Office (RO) or Pension Management Center (PMC) alleging that he/she is no longer in fugitive status. Acceptable proof is required to resume benefits.  The beneficiary may submit official documentation in the form of:   * A court order or letter from the warranting agency * The name, title and address or telephone number of an official who can verify information   *Uncorroborated statements made by the beneficiary, a family member, or a private attorney are not acceptable to establish that a beneficiary is no longer in fugitive status.* If the beneficiary does not furnish acceptable documentation that provides proof that he or she is out of fugitive status but does furnish the name and address or telephone number of an official (parole officer) who can verify this information, then contact that official. |
| Status Confirmation    *Slide 26 - 27*  *Handout 11* | Status confirmation can be handled in one of the following ways:   * Contact an Official * OIG Fugitive Felon Coordinator * Beneficiary Notification |
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| OIG Fugitive Felon Coordinator  *Slide 28*  *Handout 12* | OIG Fugitive Felon Coordinator  It is appropriate to contact the OIG Fugitive Felon Coordinator for guidance if the VSC or PMC is having difficulty:   * Obtaining information from a law enforcement agency or other official agency regarding the status of the warrant, or * Making sense of the information it received, or * Beneficiary (or apportionee, if applicable) admits there was a valid warrant but:   + reports he/she never received notice of the warrant, or   + alleges other extenuating circumstances that prevented clearing of the warrant   How to contact the OIG Fugitive Felon Coordinator:   * Send e-mail to:   + [VAVBAWAS/CO/212A](mailto:VAVBAWAS/CO/212A) (VSCs), or   + [VAVBAWAS/CO/P&F POL & PROC](mailto:PFPOLPROC.VBACO@va.gov) (PMCs), and * Request the name of the applicable regional OIG Fugitive Felon Coordinator, and * Specify the jurisdiction where the warrant was issued   When the name of the OIG Fugitive Felon Coordinator is received, contact him/her by e-mail with a concise summary of the known facts and the issue to be resolved. |
| Beneficiary Notification    *Slide 29*  *Handout 12* | If you are unable to contact the official with the information provided by the beneficiary, advise the beneficiary and remind him/her that payment cannot resume until VA receives proof that the beneficiary is no longer in fugitive felon status. Once the letter to the beneficiary is sent indicating that VA can take no further action until additional evidence is received, the EP 290 is cleared.  *Note: Inform the trainees that Attachment B: Evidence Required to Establish That a Beneficiary Is No Longer in a Fugitive Felon Status is included in the trainee handout packet for later review.* |
| Request for Hearing  *Slide 30*  *Handout 12* | When a fugitive felon requests a hearing, schedule using normal procedures and send an e-mail to [VAVBAWAS/CO/212A](mailto:VAVBAWAS/CO/212A) (VSCs) or [VAVBAWAS/CO/P&F POL & PROC](mailto:PFPOLPROC.VBACO@va.gov) (PMCs) that includes:   * Information identifying the fugitive felon * The date and location of the hearing, and * The name of a point of contact at the VSC or PMC   Compensation Service or P&F Service sends the information to OIG to coordinate with the appropriate law enforcement agency (LEA). If LEA plans to apprehend the fugitive the RO will be notified; otherwise, proceed with the hearing as usual. |
| Warrants  *Slide 31*    *Handout 13* | If a beneficiary presents to an LEA in a jurisdiction other than that which issued the warrant, it is the responsibility of the beneficiary to take the steps necessary to get the warrant cleared.  If the warrant agency will not extradite, and the local agency does not arrest the beneficiary on the warrant, the individual is in fugitive status until the warrant is cleared by arrest or otherwise.  There may be multiple warrants on an individual fugitive. Do not resume benefits without determining that the warrant that has been cleared is the same as the warrant that was the object of the fugitive felon referral. |
| Validity of Warrants  *Slide 32*    *Handout 13* | A warrant is valid until the date it is declared invalid for any reason.  In cases where a warrant is dismissed, recalled or quashed, there is a valid warrant up to the date that the warrant is cleared. VA benefits are subject to adjustment from the warrant date or the date of the law, or until the recall, dismissal or quash date. |
| Void Warrant, Recall, Nunc Pro Tunc  *Slide 33*    *Handout 13* | Do not adjust or discontinue an award in which:   * The warrant is specifically determined to have been void from its inception because of mistaken identity or a defect in the warrant * The court order:   + States that the recall is effective from a specific date that is on or before the date of the warrant   + Uses the terminology nunc pro tunc, Latin term for now for then, which refers to changing back to an earlier date, a court ruling that applies retroactively to correct an earlier ruling   Reinstate benefits in these cases if they have been reduced or discontinued and make it effective the date of reduction or discontinuance, eliminating any overpayment that may have been created due to prior actions. |
| Incarcerated Felon  *Slide 34*    *Handout 13* | Do not assume that a warrant is cleared when a beneficiary is incarcerated unless the beneficiary is incarcerated by the agency that issued the warrant.  Example: The evidence shows the beneficiary is incarcerated by the New Jersey Department of Corrections, and the warrant was issued by the New Jersey Department of Corrections. |
| Lodging the Warrant  *Slide 35*    *Handout 13* | Lodging the warrant describes a situation where a fugitive felon is incarcerated for reasons unrelated to the warrant that was the subject of the fugitive felon referral. In this situation, the warranting agency may file notice of the warrant at the prison facility.  If there is documented evidence that a warrant was lodged at a prison facility, you may consider the warrant cleared and the beneficiary removed from fugitive status as of the date the warrant agency lodged the warrant at the prison facility. |
| Dependents That Are Fugitive Felons  *Slide 36*  *Handout 14* | When a dependent of a primary beneficiary is a fugitive, consider the following:   * If the fugitive is the only dependent on the award, consider the primary beneficiary to be without a dependent during the period the dependent is in fugitive status. * If there are multiple dependents, remove the dependent who is in fugitive felon status.   Remove the dependent from the award effective the later of the following dates:   * Date of the warrant * December 27, 2001, the date of the fugitive felon law   When restoring benefits for or to a dependent, apply the same effective date rules for resuming a primary beneficiaries award. |
| Dependent as Apportionee  *Slide 37*    *Handout 14* | Discontinue the apportionee's award effective the later of the following dates:   * Date of the warrant * December 27, 2001, the date of the fugitive felon law   When restoring benefits for or to a dependent, apply the same effective date rules for resuming a primary beneficiaries award. |
| VA Claim Reviews  *Slide 38-40*  *Handout 14* | Pending Claims  After stopping a beneficiary’s award because the ***beneficiary*** is a fugitive felon:   * Discontinue development on and cancel any pending claims or requests for higher-level review (HLR) * Disallow and claim for increased benefits * Continue processing any pending legacy appeals   ***Exception***: if the fugitive felon period has already ended, continue processing any pending claims or HLRs.  New Claims  When a claim is received, the systems and eFolder should be checked to see if benefits are currently discontinued due to fugitive felon status**.**  If the beneficiary files a claim or HLR while in fugitive felon status:   * Cancel any associated EP (if one was established), and * If beneficiary provided a new address, e-mail [VAVBAWAS/CO/212A](mailto:212A.VBACO@va.gov) (VSCs), or [VAVBAWAS/CO/P&F POL & PROC](mailto:PFPOLPROC.VBACO@va.gov) (PMCs) |
| Form FFP-4  *Slide 40*  *Handout 14* | If *Form FFP-4, VA Feedback Form*, was attached to *Form FFP-3*:   * Complete *Form FFP-4* * Send an email to [VAVBAWAS/CO/212A](mailto:212A.VBACO@va.gov) (VSCs) or [VAVBAWAS/CO/P&F POL & PROC](mailto:PFPOLPROC.VBACO@va.gov) (PMCs) that requests the address to which *Forms FFP-4* should be sent, and * Send the form by regular mail to the address Compensation Service or P&F Service provides in response to the email. |
| **DEMONSTRATION** | Allow fifteen minutes to demonstrate the notice of proposed adverse action on page 17 of the trainee handout packet.   * Discuss components of the notices and the need for advance notice before taking adverse action. |
| **DISCUSSION** | Allow twenty minutes for the trainees to review examples of live fugitive felon cases, discussing with the trainees the components of each particular case, pointing out any of the concepts contained within this lesson.  Discuss how to proceed with each case.  **OPTION:** Trainees could also be divided into groups for this exercise to work collaboratively through the issues each case presents. |

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| Practical Exercise | |
| Time Required | 0.25 hours |
| EXERCISE | Have trainees complete the practical exercise located on page 23 of the trainee handout packet. Be sure to allow time to review the answers as a group.  Ask if there are any questions about the information presented in the exercise, and then proceed to the Review. |
| **NOTE(S)** | If time permits, ask the trainees to answer the bonus question. This will require the VSR to do research beyond the scope of the lesson. Another option would be to complete the research as a class, or in groups, and then to compare answers as a class. |

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| Lesson Review, Assessment, and Wrap-up | |
| Introduction  Discuss the following: | The Fugitive Felon Program lesson is complete.  Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | 0.25 hours |
| Lesson Objectives | You have completed the Fugitive Felon Program lesson.  The trainee should be able to:   * Identify characteristics of the fugitive felon program * Identify Office of Inspector General (OIG) responsibilities related to fugitive felons * Identify VA responsibilities when processing fugitive felon referrals. * Differentiate effective dates for fugitive felon status * Differentiate the requirements to maintain or terminate fugitive felon status and payments |
| Assessment | Remind the trainees to complete the on-line assessment in TMS to receive credit for completion of the course.  The assessment will allow the participants to demonstrate their understanding of the information presented in this lesson. |