Establishing Veteran Status

Military Service Coordinator (MSC)

Instructor Lesson Plan

Time Required: 2.5 Hours

**Table of Contents**

[Lesson Description 2](#_Toc436996262)

[Introduction to Establishing Veteran Status 4](#_Toc436996263)

[Topic 1: VA Benefits Entitlement Criteria 7](#_Toc436996264)

[Definition of a Veteran 7](#_Toc436996265)

[Reservist Qualifications 9](#_Toc436996266)

[Topic 2: Veteran Status Verification Requirements 10](#_Toc436996267)

[Characters of Discharge 10](#_Toc436996268)

[Verification of Service 11](#_Toc436996269)

[Lesson Review, Assessment, and Wrap-up 13](#_Toc436996270)

|  |
| --- |
| 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 # | 1886976 |
| Prerequisites | Prior to this lesson, the MSC should have completed VSR Challenge Training. |
| target audience | The target audience forEstablishing Veteran Status - MSC is **t**heMilitary Service Coordinator (MSC)**.**Although this lesson is targeted to teach theMSC employee, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 2.5 hours |
| Materials/TRAINING AIDS | Lesson materials:* Establishing Veteran Status PowerPoint Presentation
* Establishing Veteran Status Trainee Handout Packet
* Establishing Veteran Status Answer Key
 |
| 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
* 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
 |
| 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.
 |

|  |
| --- |
| Introduction to Establishing Veteran Status |
| INSTRUCTOR INTRODUCTION | Complete the following:* Introduce yourself
* Orient learners to the facilities
* Ensure that all learners have the required handouts
 |
| time required | .25 hours |
| Purpose of LessonExplain the following: | This lesson is intended to educate trainees on the criteria for which an individual must meet to be considered a Veteran for VA purposes. This lesson will contain discussions and exercises that will allow you to gain a better understanding of: * VA Benefits Entitlement Criteria
* Veteran Status Verification Criteria
 |
| Lesson ObjectivesDiscuss the following:*Slide 2**Handout 2* | In order to accomplish the purpose of this lesson, the MSC will be required to complete an assessment that covers the following lesson objectives: TheMSC will be able to:* Given the trainee handout packet and references, identify VA benefits entitlement criteria.
* Given the trainee handout packet and references, distinguish Reservist qualification criteria.
* Given the trainee handout packet and references, distinguish the discharge conditions that entitle an individual to Veterans benefits
* Given the trainee handout packet and references, identify acceptable evidence for verification of service.
 |
| 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 | A newly discharged Veteran applied for VA benefits. Upon review of the BIRLS record, the VSR determined that the claimant had not attained Veteran status because she had only been in the military for two months. The record showed that she was discharged for an injury she incurred during her 2nd phase of basic training.The VSR prepared a disallowance indicating the claimant did not meet the 2-year minimum service requirement therefore, benefits could not be paid. A Senior VSR explained that the 2-year minimum service requirement does not pertain in this case since the claimant was discharged because of a service-connected disability.The claim was developed and subsequently granted, resulting in the Veteran receiving compensation for her injury. She was also eligible for Vocational Rehabilitation, which allowed her to receive assistance necessary to secure a job.This lesson is designed to give you the information required to help a Service member understand the requirements that must be met when establishing Veteran status.  |

|  |  |
| --- | --- |
| References*Slide 3**Handout 3* | Explain where these references are located in the workplace.All M21-1 References are located in the [Live Manual](https://vaww.compensation.pension.km.va.gov/)* [38 CFR 3.1, Definitions](http://www.ecfr.gov/cgi-bin/text-idx?SID=bf6149096232adae2072daaa46938a41&mc=true&node=se38.1.3_11&rgn=div8)
* [38 CFR 3.4 (b), Disability compensation](http://www.ecfr.gov/cgi-bin/text-idx?SID=bf6149096232adae2072daaa46938a41&mc=true&node=se38.1.3_14&rgn=div8)
* [38 CFR 3.6, Duty periods](http://www.ecfr.gov/cgi-bin/text-idx?SID=bf6149096232adae2072daaa46938a41&mc=true&node=se38.1.3_16&rgn=div8)
* [38 CFR 3.7, Individuals and groups considered to have performed active military, naval, or air service](http://www.ecfr.gov/cgi-bin/text-idx?SID=bf6149096232adae2072daaa46938a41&mc=true&node=se38.1.3_17&rgn=div8)
* [38 CFR 3.12, Character of discharge](http://www.ecfr.gov/cgi-bin/text-idx?SID=bf6149096232adae2072daaa46938a41&mc=true&tpl=/ecfrbrowse/Title38/38cfr3_main_02.tpl)
* [38 CFR 3.13, Discharge to change status](http://www.ecfr.gov/cgi-bin/text-idx?SID=bf6149096232adae2072daaa46938a41&mc=true&tpl=/ecfrbrowse/Title38/38cfr3_main_02.tpl)
* [38 CFR 3.14, Validity of enlistments](http://www.ecfr.gov/cgi-bin/text-idx?SID=bf6149096232adae2072daaa46938a41&mc=true&node=se38.1.3_114&rgn=div8)
* [38 CFR 3.203, Service records as evidence of service and character of discharge](http://www.ecfr.gov/cgi-bin/text-idx?SID=bf6149096232adae2072daaa46938a41&mc=true&node=se38.1.3_1203&rgn=div8)
* M21-1, Part III, Subpart i, Chapter 2, Section D - Overview the Integrated Disability Evaluation System (IDES) and Initial Claims Development
* M21-1, Part III.ii.6.2, Duty Status and Eligibility of Reservists
* M21-1, Part III, ii, 6.3, Duty Status and Eligibility of Personnel in the National Guard Service
* M21-1, Part III.ii.6.4, Minimum Active Duty Service Requirements
* M21-1, Part III.v.1.B, Statutory Bar to Benefits and Character of Discharge (COD)
* [VBA Letter 20-09-14, Digitally Signed Separation Documents and Other Evidence of Service](http://vbaw.vba.va.gov/usb/letters/2009/20-09-14.DOC)
 |

|  |
| --- |
| Topic 1: VA Benefits Entitlement Criteria |
| Introduction | This topic will allow the trainee to gain an understanding of the basic entitlement criteria for which an individual is granted Veteran status. The topic will also differentiate the types of service that qualify as Reservist for purpose of granting Veteran status to an individual. |
| Time Required | .75 hour |
| OBJECTIVES/Teaching Points | Topic objectives:* Given the trainee handout packet and references, identify VA benefits entitlement criteria.
* Given the trainee handout packet and references, distinguish Reservist qualification criteria.

The following topic teaching points support the topic objectives: * Definition of a Veteran
* Reservist Qualifications
 |
| Definition of a Veteran*Slide 4**Handout 4* | A “Veteran” is a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable. |
| Note(s) | Refer the trainees to 38 CFR 3.7 for an in-depth breakdown of the groups that are considered active military, naval, or air service. |
| Active Duty Qualifications*Slide 5**Handout 4* | Active Duty consists of:* Full time occupation in the military, naval, or air force.
* Inactive duty for training:
	+ Any period of *inactive duty for training*, during which a person is disabled or dies from an **injury** incurred or aggravated in the line of duty or any of the following conditions
		- acute myocardial infarction
		- cardiac arrest, or
		- a cerebrovascular accident.
* Active duty for Training:
	+ any period of *active duty for training* during which a person is disabled or dies from a **disease** or **injury** incurred or aggravated in the line of duty
* Any person who is in active or inactive training that is injured, disabled, or dies from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident while proceeding directly to or returning directly from a period of training.

***Notes***: According to [VAOPGCPREC8-2001](http://vbaw.vba.va.gov/bl/21/advisory/PRECOP/DADS/01dad/DAD08_01.doc), sexual assault constitutes an injury for the purposes of this block. |
| Minimum Active Duty Service Requirements*Slide 6**Handout 4* | In order to fulfill the minimum Active Duty service requirements, an individual must have undergone a full period of Active Duty or 24 continuous months; whichever duration is shorter.38 CFR 3.12a mandates that the minimum Active Duty service requirement of must be met by all persons, including officers, who:* Originally enlisted in a regular component of the Armed Forces after September 7, 1980.
* Entered on active duty after October 16, 1981.
* Have neither previously (before October 16, 1981) completed a continuous period of Active Duty of at least 24 months nor been discharged or released from active duty under 10 U.S.C 1171.
 |
| Exceptions to Minimum Service Requirements*Slide 7**Handout 4* | M21-1MR III.ii.6.4.c and 38 CFR 3.12a (d) cover the exceptions to the minimum service requirement, however they will not all be covered in this lesson.The exception most pertinent to this lesson states that the minimum Active Duty requirement does not need to be fulfilled for anyone who is rated with a service-connected disability.When processing a claim, verifying whether the minimum Active Duty requirement is fulfilled is not necessary if the Veteran is rated with a service-connected disability. |
| *Check Comprehension* | Provide the following scenario to the trainees: A claimant reported for his first day of training in the Army. On the way home from the training, the claimant was injured in a vehicle collision. As a result, the claimant became permanently disabled and was discharged from the Army.Ask the trainees the following questions: Can the claimant receive VA benefits based on the minimum Active Duty requirements?**Response:** Yes, because the claimant was injured while proceeding directly home from the training which constitutes as Active Duty.  |
| Reservist QualificationsReservist Active Duty*Slide 8**Handout 5* | Activation of a Reservist for full time operational or support purposes is considered Active Duty.The following types of Reserve programs are considered Active Duty for the purpose of establishing Veteran status if the facts of record establish that the service was full time and for operational or support purpose:* Active Guard Reserve (AGR)
* Active Duty Support Program (ADS)
 |
| Reserves Programs Not Considered Active Duty*Slide 9**Handout 5* | The following types of Reservist duty are not considered full-time duty: * Initial Active Duty for Training(IADT) - The standard for Reserve members without prior active service is to undergo a period of Initial Active Duty for Training (IADT) lasting from four to seven months. This training may be taken in a single period or as two separate periods.
* Annual Training(AT) - AT is also sometimes referred to as “summer camp.” AT is annual two to five weeks activation for training purposes. These are all forms of Active Duty for Training (ADT or ACDUTRA).
* Inactive Duty Training(IDT) - Inactive Duty Training (IDT) is commonly referred to as weekend drills.
 |
| National Guard Service*Slide 10**Handout 5* | The Army National Guard (ARNG) and the Air National Guard (ANG) operate full-time operational and support programs similar to the Ready Reserves. Often, members of the National Guard are the first line of defense for our country. |
| Service under 10 U.S.C. *Slide 11**Handout 5* | A Guard unit or member may be activated under the authority of 10 U.S.C. (Title 10). For VA purposes, members who report qualify as Active Duty service.Active Duty under 10 U.S.C. is characterized as Federal Active Duty.  |
| Service under 32 U.S.C.*Slide 12**Handout 5* | For VA purposes, full-time operational or support National Guard service performed under 32 U.S.C. 316, 502, 503, 504, or 505 is considered ADT but does not meet the definition of Active Duty.***Notes***:* Presumptive service conditions under [38 U.S.C. 1112](https://www.law.cornell.edu/uscode/text/38/1112) based on service under **32 U.S.C.** may *not* be considered unless the member or former member meets the exception outlined in [38 U.S.C. 101(24)](http://www.law.cornell.edu/uscode/html/uscode38/usc_sec_38_00000101----000-.html) or [38 U.S.C. 106(b)(3)](http://www.law.cornell.edu/uscode/html/uscode38/usc_sec_38_00000106----000-.html).

  |
|  |  |

|  |
| --- |
| Topic 2: Veteran Status Verification Requirements |
| Introduction | This topic will provide the trainees with the information required to distinguish the characters of discharge for Veteran status entitlement as well as seek the appropriate sources of evidence for service verification. |
| Time Required | 1 hour |
| OBJECTIVES/Teaching Points | Topic objectives:* Given the trainee handout packet and references, distinguish the discharge conditions that entitle an individual to Veterans benefits, with 85% accuracy.
* Given the trainee handout packet and references, identify acceptable evidence for verification of service, with 85% accuracy.

The following topic teaching points support the topic objectives:* Characters of Discharge
* Verification of Service
 |
| Characters of Discharge*Slide 13**Handout 6* | Character of discharge could affect whether or not an individual is entitled to VA benefits.The following types of discharges are binding for eligibility to VA benefits:* Honorable discharge
* General discharge
* Certain Uncharacterized discharges
* General Under Honorable Conditions discharge

The following types of discharges require VA development and an administrative decision:* General Under Conditions Other than Honorable
* Certain Uncharacterized discharges
* Dishonorable discharge
* Bad Conduct discharge
 |
| Uncharacterized Discharges*Slide 14**Handout 6* | According to 38 CFR 3.12 (k), when enlisted personnel are administratively separated from service on the basis of proceedings initiated on or after October 1, 1982, the separation may be classified as one of the following three categories:* Entry level separation (no decision needed)
* Void enlistment (requires administrative decision)
* Dropped from the rolls (requires administrative decision)
 |
| *Check comprehension* | Provide the following example to the trainees: A claimant served for 3 weeks in the Army. His DD Form 214 indicates he was discharged uncharacterized as “entry level” and the reason for discharge is “Failure to meet physical fitness requirements.” The claim is developed, and the Veteran is subsequently granted service connection for a knee condition due to an injury during those 3 weeks of Active Duty.Ask the trainees the following question: Can the claimant receive benefits based on the minimum Active Duty requirements and the character of discharge? **Response:** Yes, because he has a service-connected injury, which meets one of the exceptions and the discharge is considered honorable. |
| Verification of Service*Slide 15Handout 7* | The process for establishing Veteran status consists primarily of the following:1. Locate acceptable evidence of service
2. Verify active service dates
3. Verify character of discharge
 |
| **Acceptable Evidence***Slide 16* | The following are acceptable pieces of evidence for verification of service:* DD Form 214
* PHS Form 1867
* NOAA Form 56-16
* Report of separation issued prior to the implementation of the DD Form 214
* Continuous active service comments on a DD Form 214 that is acceptable for verifying service
* 3101 response from the service department (PIES S01)
* Digitally signed DD Form 214 that meets certain requirements
* BIRLS VID screen, if it meets the following requirements:
	+ Character of service is Honorable (HON) or Under Honorable Conditions (UHC)
	+ Branch of service code is not Army National Guard or Air National Guard
	+ Separation reason is Satisfactory (SAT)
	+ “Y” or “D” in the VADS field
	+ “Y” in the VER field

***Note***: Any period of Inactive Duty for Training or Active Duty for Training that has a qualifying illness or injury, that entire period becomes Active Duty for VA purposes, whether it’s 2 days, 2 weeks or 2 years. Participant Profile must be updated. Those periods are listed as Active Duty. |
| Incomplete Service Verification*Slide 17**Handout 7* | Verify active service dates and character of discharge by first reviewing the available service department records or other acceptable evidence of service in the claims folder.If a review of the claims folder indicates that the available evidence is incomplete or information is questionable, request the following:* Further verification or additional data via Personnel Information Exchange System (PIES), or Defense Personnel Records Information Retrieval System (DPRIS)
* Service data from the appropriate service department (such as the State Adjutant General for National Guardsmen) via PIES.
 |
| Regional Office Specific Topics | At this time, add any information pertaining to:* Station quality issues with this lesson
* Additional state specific programs/guidance on this lesson
 |

|  |
| --- |
| Lesson Review, Assessment, and Wrap-up |
| IntroductionDiscuss the following: | The Establishing Veteran Status lesson is complete.Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | .5 hours  |
| Lesson Objectives | You have completed the Establishing Veteran Status lesson.The trainee should be able to:* Given the trainee handout packet and references, identify VA benefits entitlement criteria.
* Given the trainee handout packet and references, distinguish Reservist qualification criteria.
* Given the trainee handout packet and references, distinguish the discharge conditions that entitle an individual to Veterans benefits.
* Given the trainee handout packet and references, identify acceptable evidence for verification of service.
 |
| Assessment  | The assessment will allow the participants to demonstrate their understanding of the information presented in this lesson.Remind the trainees that they will not receive credit for this lesson until the Level 1 and Level 2 assessments have been completed in the TMS. |