Dependency Development for Compensation Overview

Instructor Lesson Plan

Time Required: 2.5 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 # | 3903043 |
| Prerequisites | Prior to this lesson, the Veteran Service Representatives (VSRs) should have an understanding of VA’s legal duty to assist a claimant. Trainees should also have an understanding of effective dates. Additionally, trainees should have knowledge and experience working Veterans Benefits Management System (VBMS) Applications and VETSNET Applications such as Moderns Award Processing (MAP-D) systems.  |
| target audience | The target audience for Dependency Development for Compensation is VSR.Although this lesson is targeted to teach the VSR, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 2.5 hours |
| Materials/TRAINING AIDS | Lesson materials:* Dependency Development for Compensation PowerPoint Presentation
* Dependency Development for Compensation Trainee Handouts
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| 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
* Access to VA Intranet
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| 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 Dependency Development for Compensation Overview |
| INSTRUCTOR INTRODUCTION | Complete the following:* Introduce yourself
* Orient learners to the facilities
* Ensure that all learners have the required handouts
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| time required | 15 minutes |
| Purpose of LessonExplain the following: | This lesson is intended to educate trainees about additional compensation for dependents. This lesson will contain discussions and exercises that will allow you to gain a better understanding of: * The different types of dependents for which additional disability compensation can be paid
* The requirements for establishing a dependent for disability compensation purposes
* How to develop for additional evidence in support of a claim for dependency
 |
| Lesson ObjectivesDiscuss the following:Slide 2Handout 2 | In order to accomplish the purpose of this lesson, the VSR will be required to accomplish the following lesson objectives.TheVSR will be able to: * Identify the requirements for establishing a spouse
* Identify the requirements for establishing a child
* Recognize a claim for additional compensation for a dependent
* Diagnose when to develop for missing or additional information
* Comprehend how to develop for additional evidence to support a claim for dependency
 |
| 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 | As part of our mission to serve Veterans, VA provides disability compensation to eligible Veterans who were disabled during or because of their military service. The purpose of VA compensation is to supplement a Veteran for his/her disabilities that were incurred in or aggravated during military service. To assist in making whole the injuries or diseases that were incurred in or aggravated during military service, Veterans are entitled to additional compensation for eligible dependents. Veterans depend on these additional dependency benefits to assist with the disabilities that were incurred in or aggravated during military service.  |
| 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 with the trainees. Common errors can include the following:* Missed development for required evidence
* Did not add dependent when eligible
* Superfluous development

The STAR code errors are as follows:A1, B1, B2, D1, D2, K1, K2, K3, and K4. |
| ReferencesSlide 3Handout 3 | Explain where these references are located in the workplace.* [38 CFR 3.1(j), Definitions, Marriage](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=c9c3bcc838d8eb3d7b914a22ead5978a&mc=true&n=pt38.1.3&r=PART&ty=HTML%20-%20se38.1.3_11%20-%20se38.1.3_11#se38.1.3_11)
* [38 CFR 3.4(b)(2), An additional amount of compensation](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=c9c3bcc838d8eb3d7b914a22ead5978a&mc=true&n=pt38.1.3&r=PART&ty=HTML#se38.1.3_14)
* [38 CFR 3.50, Spouse and surviving spouse](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=c9c3bcc838d8eb3d7b914a22ead5978a&mc=true&n=pt38.1.3&r=PART&ty=HTML#se38.1.3_150)
* [38 CFR 3.57, Child](http://www.ecfr.gov/cgi-bin/text-idx?SID=6cf0514ad87d67db55d9d23ddcf51c6c&node=se38.1.3_157&rgn=div8)
* [38 CFR 3.204, Evidence of dependents and age](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=c9c3bcc838d8eb3d7b914a22ead5978a&mc=true&n=pt38.1.3&r=PART&ty=HTML#se38.1.3_1204)
* [38 CFR 3.210, Child's relationship](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=c9c3bcc838d8eb3d7b914a22ead5978a&mc=true&n=pt38.1.3&r=PART&ty=HTML#se38.1.3_1210)
* [38 CFR 3.216, Mandatory disclosure of social security numbers](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=c9c3bcc838d8eb3d7b914a22ead5978a&mc=true&n=pt38.1.3&r=PART&ty=HTML#se38.1.3_1216)
* [M21-1, Part III, Subpart iii, 5.A, General Information on Relationship and Dependency](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015798/M21-1-Part-III-Subpart-iii-Chapter-5)
* [M21-1, Part III, Subpart iii, 5.B, General Information on Establishing Marital Relationship](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015799/M21-1-Part-III-Subpart-iii-Chapter-5-Section-B-General-Information-on-Establishing-Marital-Relationship)
* [M21-1, Part III, Subpart iii, 5.D, Establishing Other Types of Marriages](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015800/M21-1-Part-III-Subpart-iii-Chapter-5-Section-D-Establishing-Other-Types-of-Marriages)
* [M21-1, Part III, Subpart iii, 5.F, Establishing a Child’s Age and Relationship](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015796/M21-1-Part-III-Subpart-iii-Chapter-5-Section-F-Establishing-a-Childs-Age-and-Relationship)
* [M21-1, Part III, Subpart iii, 5.G, Establishing a Biological Child, Adopted Child, or Stepchild as a Veteran’s Child for Department of Veterans Affairs (VA) purposes](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015802/M21-1-Part-III-Subpart-iii-Chapter-5-Section-G-Establishing-a-Biological-Child-Adopted-Child-or-Stepchild-as-a-Veterans-Child-for-Department-of-Veterans-Affairs-VA-Purposes)
* [M21-1, Part III, Subpart iii, 5.L.1.b, Notification Requirements When VA Assigns a Combined Disability Rating of at Least 30 percent](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/%22%20%5Cl%20%22%21agent/portal/554400000001034/article/554400000032212/M21-1-Part-III-Subpart-iii-Chapter-5)
* [VBA Letter 20-15-16, Administration of Same-Sex Spousal Benefits](http://vbaw.vba.va.gov/usb/letters/2015/20-15-16_VBA-Letter.docx)
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| Topic 1: Marital Relationship |
| Introduction | This topic will discuss who is considered a dependent(s). It also defines marriage and a spouse and provides the required evidence needed to add a spouse. |
| Time Required | 30 minutes |
| OBJECTIVES/Teaching Points | Topic objectives:* Identify the requirements for establishing a spouse

The following topic teaching points support the topic objectives: * Dependency Benefits
* Parent
* Spouse
* Valid Marriage
* Free to marry
* Required information
* Prior marital history
* Common law marriage
* Regional Counsel Opinions
 |
| Dependency BenefitsSlide 4Handout 4 | Per 38 CFR 3.4(b)(2), an additional amount of compensation may be payable for a spouse, child, and/or dependent parent where a veteran is entitled to compensation based on disability evaluated as 30 percent or more disabling.  |
| ParentSlide 5*Handout 4* | Per 38 CFR 3.59, the term parent means * a natural mother or father (including the mother of an illegitimate child or the father of an illegitimate child if the usual family relationship existed),
* mother or father through adoption, or
* a person who for a period of not less than 1 year stood in the relationship of a parent to a veteran at any time before his or her entry into active service.

For more information on this topic, please visit [M21-1, Part III, Subpart iii, 5.I](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015804/M21-1-Part-III-Subpart-iii-Chapter-5-Section-I-Establishing-Parental-Relationship), Establishing Parental Relationship and [J](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015805/M21-1-Part-III-Subpart-iii-Chapter-5-Section-J-Establishing-Parental-Dependency), Establishing Parental Dependency; and the VBA learning catalog. |
| SpouseSlide 6Handout 4 | Per 38 CFR 3.50, a spouse means a person of the opposite sex\* whose marriage to the Veteran meets the requirements of 38 CFR 3.1(j).\*Per VBA Letter 20-15-16, *Administration of Same Sex Spousal Benefits*, VBA will generally accept a claimant’s statement that he or she is married. This same procedure applies no matter if the claimant is asserting that he/she is in an opposite-sex marriage or a same-sex marriage.  |
| Valid MarriageSlide 7Handout 4 | A marriage (between members of the same or opposite sex) may be established for VA purposes if the marriage is valid under the law of the locality where the parties resided* at the time of marriage, or
* the law of the place where the parties resided when the right to benefits accrued.
 |
| Free to MarrySlide 8Handout 4 | Establishment of a legal marriage always implies a finding that the parties to the marriage were free to marry at the time of the alleged marriage. |
| Required InformationSlide 9Handout 5 | At a minimum, the Veteran must provide:* spouse’s full name
* date of marriage
* place of marriage (city and/or county and state and/or country)
* spouse’s social security number
* spouse’s whereabouts (implied that they are living together unless vet states otherwise – then we need a location)
* complete marital history for all prior marriages of the veteran and current spouse.

*NOTE:* VA does not require a claimant to provide the state in which a marriage took place if the city of marriage, such as Chicago, is well-known. |
| Prior marital historySlide 10Handout 5 | The statement must show all prior marriage(s) of both parties and include the following information:* How many times each party has been married
* Full names of the prior partners
* How the prior marriages were terminated (death, divorce, or annulment)
* Date the prior marriage(s) were terminated (month and year at a minimum)(prior marriage must be terminated before immediate next marriage)
* Place where the prior marriage(s) was terminated (city and/or county and state)

*NOTE:* VA does not require a claimant to provide the state in which a marriage was dissolved if the city of dissolution, such as Chicago, is well-known. |
| Common law Marriage Slide 11*Handout 5* | In addition to the above required information, the Veteran must also submit evidence to establish a common law marriage for VA purposes. For more information on this topic, please see [M21-1, Part III, Subpart iii, 5.C](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015795/M21-1-Part-III-Subpart-iii-Chapter-5-Section-C-Establishing-Common-Law-Marriages?fromQuery=what is a deemed valid marriage), Establishing Common Law Marriages, and the VBA Learning Catalog. |
| Regional Counsel OpinionsSlide 12*Handout 5* | There are additional types of marriage other than a traditional marriage or common law marriage. Other types of marriages are a:* Tribal marriage
* Proxy marriage
* Transgender marriage

It must be determined whether each type of marriage is valid or not. Regional Counsel must provide an opinion as to the validity of each type of marriage. [M21-1, Part III, Subpart iii, 5.D, Establishing Other Types of Marriages](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015800/M21-1-Part-III-Subpart-iii-Chapter-5-Section-D-Establishing-Other-Types-of-Marriages), provides the additional evidence required for each type of marriage. Once development is complete, request a Regional Counsel opinion addressing the issue of the validity of the marriage.  |

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| Topic 2: Child Relationship |
| Introduction | This topic will discuss who is considered a dependent child and provides the required evidence needed to add a dependent child. |
| Time Required | 45 minutes |
| OBJECTIVES/Teaching Points | Topic objectives:* Identify the requirements for establishing a child

The following topic teaching points support the topic objectives: * Eligibility
* School child and helpless child
* Required information
* Stepchild defined
* Stepchild requirements
* Adopted child defined
* Adopted child requirements
* Administrative Decisions Regarding the Adoption of a Child
 |
| EligibilitySlides 13-14Handout 7 | Per 38 CFR 3.57, a child is defined as a * biological child of a veteran, OR
* child legally adopted by the veteran before the child's 18th birthday, OR
* stepchild

To be eligible for additional compensation for a child, the child must * be under 18 years of age, or
* be under age 23 if attending school, or
* have become permanently incapable of self-support prior to attainment of age 18, and

Additionally, under 38 CFR 3.57, a person must be unmarried to qualify as a child for Department of Veterans Affairs (VA) purposes. Therefore, a person of any age who marries ceases to be a child for VA purposes. |
| School child or helpless childSlide 15*Handout 7* | Per 38 CFR 3.57(a)(iii), a school child is defined as an unmarried child who, after reaching 18 years old but before 23 years old, is pursuing education or training at an educational institution approved by the Department of Veterans Affairs.Per 38 CFR 3.57(a)(ii), a helpless child is defined as an unmarried child who, before reaching the age of 18 years, became permanently incapable of self-support. For more information on these topics, please visit [M21-1, Part III, Subpart iii, 6, *School Attendance*](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/topic/554400000003090/Chapter-06-School-Attendance); [M21-1, Part III, Subpart iii, 7, *A Child’s Permanent Incapacity for Self-Support*](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/topic/554400000003091/Chapter-07-A-Childs-Permanent-Incapacity-for-Self-Support); and the VBA learning catalog.  |
| Required informationSlide 16*Handout 7* | Before VA may pay benefits to or for a child, a claimant must provide VA with the child’s* full name
* date of birth (month, day, and year)
* birthplace (city and state or city and country)(no state if city is well-known)
* relationship to claimant
* social security number, if one has been assigned
* whereabouts (name and address of the person who has custody of the claimant’s dependent child if the child does not reside with the claimant)

If the claimant does not indicate the child is biological, then additional evidence may be needed to establish dependency.**NOTE:** When the claimant has stated that he/she has applied for a SS# for the child, send a development letter to the claimant requesting the child’s SS# be provided to the VA within 30 days from the date of the letter. |
| Stepchild DefinedSlide 17*Handout 8* | Stepchild means a legitimate or an illegitimate child of the veteran’s spouse who * + is a member of the veteran's household and acquired the status of stepchild before age 18, or
	+ became a stepchild of the veteran between the ages of 18 and 23, is attending school, and is a member of the veteran's household or was a member at the time of the veteran's death.
 |
| Stepchild RequirementsSlide 18Handout 8 | VA may accept a Veteran’s lay statement as sufficient proof to establish a stepchild as a dependent. The statement, as required by [38 C.F.R. § 3.204(a)(1)](http://vbaw.vba.va.gov/bl/21/publicat/Regs/Part3/3_204.htm), must include the following:* the full name and relationship of the other person and claimant and,
* date (month and year) and place of the event (such as marriage to the stepchild’s parent)
* stepchild’s whereabouts

Under [38 CFR 3.57(a)(1)](http://www.ecfr.gov/cgi-bin/text-idx?SID=aed7b1ef88cdfee0047391efc45e9fde&mc=true&node=se38.1.3_157&rgn=div8), a stepchild must be or must have been “in the Veteran’s household” in order for VA to recognize the stepchild as the Veteran’s child.* If the Veteran is still living, the stepchild must be a member of the Veteran’s household.
* If the Veteran is deceased, the stepchild must have been a member of the Veteran’s household *at the time of the Veteran’s death*.

***Exception***:  VA considers a stepchild a member of the Veteran’s household if they live apart* for medical reasons
* to attend school, or
* to fulfill a military service obligation.

When the claimant’s dependent child does not reside with the claimant, the claimant must provide name and address of the person who has custody of the child, and reason for separation.  |
| Adopted Child DefinedSlide 19Handout 8 | Per 38 CFR 3.57(c), adopted child means a child * adopted pursuant to a final decree of adoption,
* adopted pursuant to an unrescinded interlocutory decree of adoption while remaining in the custody of the adopting parent (or parents) during the interlocutory period, and
* who has been placed for adoption under an agreement entered into by the adopting parent (or parents) with any agency authorized under law to so act, unless and until such agreement is terminated, while the child remains in the custody of the adopting parent (or parents) during the period of placement for adoption under such agreement.
 |
| Adopted Child RequirementsSlide 20*Handout 9* | VA must receive at least one of the following:* a copy of the decree of adoption, or
* the adoptive placement agreement, or
* a copy of the child’s revised birth certificate.

**NOTE:** A temporary custodial agreement is not sufficient to establish dependency for a grandchild of the claimant.  |
| Administrative Decisions Regarding the Adoption of a Child*Slide 21**Handout 9* | If questions regarding the legal validity of the adoption exist, then follow the instructions in [M21-1, Part III, Subpart iii, 5.A.3.e](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015798/M21-1, Part III, Subpart iii, Chapter 5, Section A - General Information on Relationship and Dependency) for requesting an opinion from Regional Counsel.***Note***: No administrative decision is required if* Regional Council returns a favorable opinion, and
* VA ultimately recognizes the adoption.

If the evidence of record does not support establishment of the adopted child as the Veteran’s child for VA purposes, then follow the instructions in [M21-1, Part III, Subpart v, 1.A .3](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014216/M21-1, Part III, Subpart v, Chapter 1, Section A - General Information) for preparing a two-signature administrative decision. |

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| Topic 3: Development |
| Introduction | This topic will discuss the prescribed forms required to claim a dependent and recognizing when and how to develop for evidence needed to add a dependent. |
| Time Required | 45 minutes |
| OBJECTIVES/Teaching Points | Topic objectives:* Recognize a claim for additional compensation for a dependent
* Diagnose when to develop for missing or additional information
* Comprehend how to develop for additional evidence to support a claim for dependency

The following topic teaching points support the topic objectives: * Claiming a dependent
* Claim not on prescribed form
* Statement at face value
* Substantially complete
* Not substantially complete
* When VA may require Evidence in Support of a Written Statement
* Telephone, email, or fax development
* Letter development
* General development
 |
| **Claiming a Dependent**Slide 22Handout 10 | Prior to March 24, 2015, a claimant could initiate a dependency claim through any written or oral communication. On or after March 24, 2015, a claimant must submit VA Form 21-686c, or one of the prescribed forms listed in the table below, to initiate the process of adding a dependent to his/her award.

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| **If the claimant is attempting to add…** | **Then the claimant may initiate the process of adding a dependent by submitting VA Form 21-686c or…** |
| a dependent other than a child that is incapable of self-support | * [VA Form 21-526, *Veterans Application for Compensation and/or Pension*](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21-526-ARE.pdf)
* [VA Form 21P-527*, Income, Net Worth and Employment Statement*](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21P-527-ARE.pdf)
* [VA Form 21-527EZ*, Application for Pension*](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21-527EZ-ARE.pdf)
* [VA Form 21P-509*, Statement of Dependency of Parent(s)*](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21P-509-ARE.pdf)
* [VA Form 21-0538*, Status of Dependents Questionnaire*](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21-0538-ARE.pdf), or
* [VA Form 21-674*, Request for Approval of School Attendance*](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21-674-ARE.pdf).
 |
| a child that is incapable of self-support | * [VA Form 21-526](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21-526-ARE.pdf)
* [VA Form 21P-527](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21P-527-ARE.pdf), or
* [VA Form 21-527EZ](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21-527EZ-ARE.pdf)
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| Claim Not on Prescribed FormSlide 23Handout 10 | On or after March 24, 2015, if a claimant does not claim a dependent on a prescribed form, then send the claimant a letter containing verbiage shown in the sample letter in [M21-1, Part III, Subpart iii, 5.A.4.c.](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000015798/M21-1-Part-III-Subpart-iii-Chapter-5-Section-A-General-Information-on-Relationship-and-Dependency)  |
| Substantially CompleteSlide 24Handout 10 | The form a claimant uses to initiate the process of adding a dependent to his/her award must be “substantially complete,” which means it must* bear the claimant’s signature
* provide the claimant’s name and relationship to the Veteran, if applicable, and
* contain enough information to identify the benefit the claimant is seeking.

A form may be substantially complete but fail to provide all the evidence/information VA requires to add a dependent to a claimant’s award. |
| Not Substantially CompleteSlide 25Handout 11 | If the form is not substantially complete then…

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| 1. | Print or make a copy of the form |
| 2. | Mark in red the blocks that require completion |
| 3. | Attach the form to a letter that* 1. Instructs the claimant to complete those portions of the form that are marked in red, and
	2. Informs the claimant that VA will not pay benefits based upon submission of the form unless it is returned within one year
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| Statement at Face ValueSlide 26Handout 11 | In most cases, VA accepts the written or oral statement of a claimant as proof of a* marriage
* dissolution of a prior marriage
* child’s age and relationship
* birth of a child, or
* death of a dependent

without providing a * birth, marriage, or death certificate, or
* divorce decree
 |
| When VA May Require Evidence in Support of a Written StatementSlide 27*Handout 11* | Per 38 CFR 3.204(a)(2), VA shall require submission of the types of primary and secondary evidence indicated in [38 CFR 3.205](http://www.ecfr.gov/cgi-bin/text-idx?SID=1c41d246ef5584a15892b2e85a5415d7&node=se38.1.3_1205&rgn=div8) through [38 CFR 3.211](http://www.ecfr.gov/cgi-bin/text-idx?SID=1c41d246ef5584a15892b2e85a5415d7&node=se38.1.3_1211&rgn=div8), where:* the claimant does not reside within a state (as defined in 38 CFR 3.1(j))
* prescribed form contains entries that conflict with one another, or raise a question regarding the validity of the marriage, that cannot be resolved through
	+ telephone contact with the claimant, or (if telephone contact cannot be made)
	+ review of documentary evidenced already of record, or
* there is reasonable indication of fraud or misrepresentation on the claimant’s part.

*NOTE:* Assume the claimant resides within a state when a claimant identifies a U.S. city as his/her home of record even if the mailing address is an APO or FPO address. |
| Telephone, Email, or Fax DevelopmentSlide 28*Handouts 11-12* | If the form is substantially complete, but requires more information, OR contains inconsistencies that must be resolved before establishing entitlement, then attempt to obtain the missing evidence/information from the claimant by telephone, email, or fax. When telephone contact is made, document the conversation on VA Form 27-0820, *Report of General Information*.Document any unsuccessful attempts to contact a claimant by telephone as a permanent note in the applicable claims-processing system.  |
| Letter DevelopmentSlide 29*Handout 12* | It is encouraged to develop for information by telephone, email, and fax when appropriate. However, if all of these methods are unsuccessful, then request the evidence/information by sending a letter.Examples of documentary evidence include:* birth, marriage, or death certificate to resolve conflicting dates or places of the event
* Copy of Social Security card to resolve conflicting Social Security numbers
* Copy of divorce decree to resolve conflicting dates or places of dissolution

Allow the claimant 30 days to provide the missing evidence/information. If the claimant provides the requested evidence/information, then proceed to grant the benefit.If upon expiration of the 30-day response period and the claimant does not provide the requested evidence/information, then proceed to deny the claim.Notify the claimant of the decision according to the instructions in [M21-1, Part III, Subpart v, 2.B](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014231/M21-1, Part III, Subpart v, Chapter 2, Section B - Decision Notices), Decision Notices. |
| General DevelopmentSlide 30*Handout 12* | ***Each time*** a Veteran is awarded a combined disability evaluation of at least 30 percent,* include in the decision notice the appropriate paragraphs that inform the Veteran of the dependent(s) for whom he/she is receiving additional benefits, and
* notify the Veteran of potential eligibility for additional benefits for dependents in the decision notice (by providing the appropriate hyperlink to the forms needed to apply) ***unless***
	+ the decision notice already includes a request for evidence/information required to add a dependent, or
	+ a dependent or dependents were added to the Veteran’s award concurrent with promulgation of the rating decision that triggered the decision notice.
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| Lesson Review, Assessment, and Wrap-up |
| IntroductionDiscuss the following:Slide 31 | The Dependency Development for Compensation Overview lesson is complete. Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | 15 minutes  |
| Lesson Objectives | You have completed the Dependency Development for Compensation Overview lesson. The trainee should be able to: * Identify the requirements for establishing a spouse
* Identify the requirements for establishing a child
* Recognize a claim for additional compensation for a dependent
* Diagnose when to develop for missing or additional information
* Comprehend how to develop for additional evidence to support a claim for dependency
 |
| 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. |