Section 5103 Notice

Instructor Lesson Plan

Time Required: 4.0 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 # | 4181764 |
| Prerequisites | None |
| target audience | The target audience for Section 5103 Notice is VSR Entry Level.Although this lesson is targeted to teach the VSR Entry Level employee, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 4.0 hours |
| Materials/TRAINING AIDS | Lesson materials:* Section 5103 Notice PowerPoint Presentation
* Section 5103 Notice 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: * Compensation Intranet Home Page
* M21-1
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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.
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| 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.
* Provide a sign in sheet and at the conclusion of the session, ensure that all trainees sign in.
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| Introduction to Section 5103 Notice |
| 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 | 2.0 hours |
| Purpose of LessonExplain the following: | This lesson is intended to introduce the trainee to the VA’s duty to assist Veterans, Section 5103 Notice. This lesson will contain discussions and exercises that will allow you to gain a better understanding of: * Explain how Section 504 of Public Law allows VA to use electronic communications to provide 5103 Notice to Veterans
* Explain how Section 505 of Public Law 112-154 clarified VA’s duty to assist Veteran’s in obtaining private records.
* Identify VA Forms that provide 5103 Notice information.
* Identify development required when an EZ Form is not used by the Veteran
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| Lesson ObjectivesDiscuss the following:Slide 2 Handout 2 | In order to accomplish the purpose of this lesson, the VSR will be required to accomplish the following lesson objectives.TheVSRwill be able to: * Introduction to Public Law 112-154, sections 504 and 505
* Overview of Section 5103 Notice
* Identify VA Forms addressing Section 5103 Notice
* Development involved under a Section 5103 Notice
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| 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 | When VA receives a complete or substantially complete application for benefits, it will notify the claimant of any information and medical or lay evidence that is necessary to substantiate the claim (hereafter in this paragraph referred to as the “notice”). In the notice, VA will inform the claimant which information and evidence, if any, that the claimant is to provide to VA and which information and evidence, if any, that VA will attempt to obtain on behalf of the claimant. The information and evidence that the claimant is informed that the claimant is to provide must be provided within one year of the date of the notice. If the claimant has not responded to the notice within 30 days, VA may decide the claim prior to the expiration of the one-year period based on all the information and evidence contained in the file, including information and evidence it has obtained on behalf of the claimant and any VA medical examinations or medical opinions. If VA does so, however, and the claimant subsequently provides the information and evidence within one year of the date of the notice, VA must readjudicate the claim. (Authority: 38 U.S.C. 5103) |
| STAR Error code(s) | B1, B2 |
| ReferencesSlide 3 Handout 3 | Explain where these references are located in the workplace.All M21-1 references are found in the [Live Manual Website](https://vaww.compensation.pension.km.va.gov/)* Public Law 112-154, Section 504, Authorization of use of electronic communication to provide notice to claimants for benefits under laws administered by the Secretary of Veterans Affairs
* Public Law 112-154, Section 505, Duty to assist claimants in obtaining private records
* [38 U.S.C. 5103, Notice to claimants of required information and evidence](https://www.law.cornell.edu/uscode/text/38/5103)
* [38 CFR 3.159, Department of Veterans Affairs assistance in developing claims](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1159)
* [M21-1, Part I, Chapter 1. B, Duty to Notify Under 38 U.S.C. 5102 and 5103](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014065%2FM21-1-Part-I-Chapter-1-Section-B-Duty-to-Notify-Under-38-USC-5102-and-5103)
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| Topic 1: Section 5103 Notice |
| Introduction | This lesson is intended to clarify and reinforce the VSR’s role in complying with the legal requirements to assist Veteran’s in the development of claims under Section 5103. |
| Time Required | 1.0 hours |
| OBJECTIVES/Teaching Points | Topic objectives:* Introduction to Public Law 112-154, sections 504 and 505
* Overview of Section 5103 Notice
* Identify VA Forms addressing Section 5103 Notice
* Development involved under a Section 5103 Notice

 The following topic teaching points support the topic objectives: * Public Law 112-154
* Veterans Claims Assistance Act of 2000
* Section 5103 Notice
* VA EZ Forms
* Development actions required when an EZ form is not used
* What The Evidence Must Show (WTEMS) Requirements
* Subsequent Development
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| BackgroundSlide 4Handout 4 | Explain to the trainees the dramatic change in how VA processed claims when The Veteran Claims Assistance Act became law. This law required VA for the first time to actively participate in the development of a Veteran’s claim for compensation. |
| Public Law 112-154Slide 5Handout 5 | Explain to the trainees how the changes provided under Section 504 of the law allowed VA to provide Veterans 5103 Notice requirements electronically through VONAPP and eBenefits but also in a new generation of forms known as EZ.Explain that the modifications enacted under Section 505 identify the steps required by the VA in attempts to obtain private records. Specifically, the number of attempts required, two, and the notification requirements to Veterans and the requirement to notify them a decision will be made without the records.  |

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| Section 5103 NoticeSlide 6Handout 6 | Explain to the trainees the importance of 5103 Notice provided to Veteran’s and how it helps Veterans and VA expedite the processing of claims in support of the Secretary’s goal of 125 days and 98% accuracy. Veterans are made aware of all required evidence to support the claim. Private medical records are submitted with the claim. Supporting documentation is provided with the claim eliminating development actions. Explain to the trainees that if the Veteran has received a 5103 letter or signed and EZ form within one year of the date of the current claim, new 5103 Notice is not required. |
| VA FormsSlide 7Handout 6 | Explain to the trainees how VA now provides What The Evidence Must Show (WTEMS) to the Veteran as part of the claim filing process.Show the trainees VA Form 21-526EZ, Application for Compensation and Related Compensation Benefits.Explain that the VA Form 21-527EZ, Application for Pension and the VA Form 21-534EZ, Application for DIC, Death Pension and/or Accrued Benefits meet the legal requirements for those type of claims, however, they are beyond the scope of this training. |
| Development for Non EZ FormsSlide 8Handout 6 | Explain to the trainee that Veterans although strongly encouraged to use the new EZ forms are allowed to submit a substantially complete claim on any of the preexisting VA Form 21-526, Veterans Application for Compensation and/or Pension, and VA Form 21-526b, Veteran’s Supplemental Claim for Compensation. The Veteran can also submit a VA Form 21-8940, Veteran’s Application for Increased Compensation Based on Unemployability, and VA will accept this as a valid claim. |
| Development for Non EZ FormsSlide 8Handout 6 | Explain to the trainees that any claim accepted by the VA that is not on an EZ form requires VA to send the Veteran a 5103 Notice and WTEMS.Explain to the trainees that the Intake Processing Center (IPC) is responsible at claims establishment to send the Veteran a Standard 5103 letter from VBMS if the claim is submitted on the correct form, but not on an EZ form.Explain the VSR’s responsibility when reviewing a claim to prepare and send a custom 5103 letter in VBMS if 5103 Notice has not been previously sent. Stress that VSRs will never use the Standard 5103 letter in VBMS. |
| Custom 5103 Letter RequirementsSlide 9Handout 7-8 | Explain to the trainees that when creating a Custom 5103 Letter in VBMS they must always include WTEMS for Service Connection, Increase and Secondary Service Connection. Explain that although the Big 3 WTEMS are always required it is the VSR’s responsibility to review the claim and include any other WTEMS that are applicable. |
| Subsequent DevelopmentSlide 10Handout 8 | Explain to the trainees although every effort is made to obtain all evidence required for the claim up front. When reviewing a claim care should be taken to be sure we have in our possession or the record reflects all required efforts to obtain identified records, private and federal. When a review shows the Veteran identified treatment by a private doctor but did not provide a VA Form 21-4142 a subsequent development letter is required to give the Veteran the opportunity to submit a completed VA Form 21-4142 in support of the claim.A Veteran could also claim Individual Unemployability or Post Traumatic Stress Disorder on a VA Form 21-526. If the Veteran does not submit a stressor statement with the claim we would have to develop for a VA Form 21-0781, Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD). If the Veteran did not submit a VA Form 21-8940 we would have to develop. Stress to the students that if 5103 Notice requirements are met this letter would be a Subsequent Development Letter in VBMS. Do not resend 5103 Notice if it is not required. |

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| Lesson Review, Assessment, and Wrap-up |
| **Introduction***Discuss the following:* | The Section 5103lesson is complete. Review each lesson objective and ask the trainees for any questions or comments. |
| **Time Required** | 1.0 hour |
| **Lesson Objectives** | You have completed the Section 5103lesson. The trainee should be able to: * Introduction to Public Law 112-154, sections 504 and 505
* Overview of Section 5103 Notice
* Identify VA Forms addressing Section 5103 Notice
* Development involved under a Section 5103 Notice
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| **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. |