Compensation Claims

Instructor Lesson Plan

Time Required: 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 # | 4181791 |
| Prerequisites | There are no prerequisites for this lesson. |
| target audience | The target audience for Compensation Claims is entry-level VSRs.  Although this lesson is targeted to teach the entry-level VSRs, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 5 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Compensation Claims Presentation * Compensation Claims 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, etc.) with appropriate writing materials * Computer with PowerPoint   Trainees require access to the following tools:   * VA TMS |
| 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 Compensation Claims | | |
| 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 Lesson | | This lesson is intended to introduce trainees to service-connected disability claims. This lesson will contain discussions and exercises that will allow trainees to acquire a better understanding of the following:   * Compensation Overview * Types of Compensation Claims * Application Requirements * End Products (EPs) and Statutory Obligations |
| Lesson Objectives  Slide 2-4 | To accomplish the purpose of this lesson, the trainee will be required to achieve the following lesson objectives.   * Define disability compensation, service-connection, and related terms * Identify Veteran status * Differentiate between acute and chronic disabilities * Recognize and identify methods of service-connection * Define and identify a complete claim, intent to file, and request for application * Identify original claims, reopen claims, and claims for increase or reconsideration * Define new and material evidence and recognize its role in reopen claims * Recognize prescribed forms for compensation claims * Identify proper end products (EPs) * Identify VA’s statutory obligations upon receipt of a substantially complete claim | |
| 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 | During the Civil War, in his second inaugural address in 1865, President Abraham Lincoln called upon Congress and the American people"*to care for him who shall have borne the battle, and for his widow, and his orphan.*"VA’s mission is to fulfill President Lincoln’s promise. It is only by understanding disability compensation principles and requirements that we can achieve success in this noble endeavor. | |
| STAR Error code(s) | A1, B1, B2, B3, J1, J2, and J3 | |
| References  Slide 5-7 | Explain these references.  All M21-1 references are found in the [Live Manual Website](https://vaww.compensation.pension.km.va.gov/).   * [38 CFR 3.303](http://www.ecfr.gov/cgi-bin/text-idx?SID=22093ff882dc290e3eb98ab993b79e5e&mc=true&node=se38.1.3_1303&rgn=div8), Principles relating to service-connection * [38 CFR 3.310](http://www.ecfr.gov/cgi-bin/text-idx?SID=22093ff882dc290e3eb98ab993b79e5e&mc=true&node=se38.1.3_1310&rgn=div8), Disabilities that are proximately due to, or aggravated by, service-connected disease or injury * [38 CFR 3.12](http://www.ecfr.gov/cgi-bin/text-idx?SID=ea88b0fe9df5c3b08187415afa42b80c&mc=true&node=se38.1.3_112&rgn=div8), Character of Discharge * [M21-1, Part I, 1](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Ftopic%2F554400000003063%2FChapter-1-Duty-to-Assist), Duty to Assist * [M21-1, Part III, Subpart ii, 1.A](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014108/M21-1-Part-III-Subpart-ii-Chapter-1), Process Overview * [M21-1, Part III, Subpart ii, 2](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Ftopic%2F554400000003077%2FChapter-02-Benefit-Programs-and-Types-of-Claims), Benefit Programs and Types of Claims * [M21-1, Part III, Subpart ii, 6](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014143/M21-1-Part-III-Subpart-ii-Chapter-6), Determining Veteran Status and Eligibility for Benefits * [M21-1, Part III, Subpart iii, 1.A](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014151/M21-1-Part-III-Subpart-iii-Chapter-1), Initial Considerations Regarding the Development Process * [M21-1, Part IV, Subpart ii, 1.A](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014321/M21-1-Part-IV-Subpart-ii-Chapter-1-S), Developing Compensation Claims * [M21-4, Appendix B](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000011474/Appendix-B-End-Product-Codes-and-Work-R), Section II, End Products – Compensation, Pension, and Fiduciary Operations | |

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| Topic 1: Compensation Overview | |
| Introduction | This topic will assist the trainee in understanding related terminology, determining character of service and Veteran status, and recognizing the principles and methods of service-connection. |
| Time Required | 1 hour |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Define disability compensation, service-connection, and related terms * Identify Veteran status * Differentiate between acute and chronic disabilities * Recognize and identify methods of service-connection   The following topic teaching points support the topic objectives:   * Compensation Terminology * Veteran Status * Principles of service-connection * Methods of service-connection |
| Terminology  Slide 8-10 | **Service-Connection**: with respect to disability, such disability was incurred or aggravated in line of duty in active military service.  **Compensation**: monthly benefits to Veterans in recognition of the effects of disabilities, diseases, or injuries incurred or aggravated during active military service.  **Acute Condition**: conditions, often of sudden onset, that resolve with either time or treatment and leave no residual effects. Any subsequent recurrence of the same condition is unrelated to the prior incident. The U.S. National Center for Health Statistics states that am acute condition is one that last less than 3 months.  **Chronic Condition**: conditions that continue to reoccur, and each episode is related to the previous episode. The U.S. National Center for Health Statistics states that a chronic condition is one that last 3 months or more.  **Veteran**: a person who served in active military service and was discharged or released under conditions other than dishonorable.  **Character of Discharge**: A Veteran’s character of discharge (COD) must be under other than dishonorable conditions to establish eligibility for VA benefits based on his or her military service.  In reviewing and processing an original claim for compensation, the VA will determine if the claimant meets the eligibility criteria for service-connection only if,   * Veteran status has been established * service has been verified, and * character of discharge has been found to be other than dishonorable.   Normally, the military’s characterization of service is binding on VA if the discharge is honorable, under honorable conditions (UHC), or general.  A formal COD determination is required when an original claim for compensation is received from a Veteran with one of the following discharges:   * an undesirable discharge * an other than honorable (OTH) discharge * a bad conduct discharge   If a formal COD determination is required, the VSR will prepare an administrative decision. If the decision is unfavorable to the claimant, the VSR will deny the claim administratively.  **Willful Misconduct**: an act involving conscious wrongdoing or known prohibited action. A wrongful act is either inherently wrong in itself, or forbidden by law. It involves deliberate or intentional wrongdoing with knowledge of, or wanton and reckless disregard of, its probable consequences.  **Original Claim**: the initial complete claim for one or more benefits on an application form prescribed by the Secretary  **Non-Original Claim**: any claim for benefits received after the completion of the Original Claim. This can be a claim for service-connection or increase.  **Request for Reconsideration**: request from a claimant for reconsideration one of a VA decision that has not yet become final (the one-year appeal period has not yet expired). |
| Veteran Status  Slide 11-12 | Active service means:   1. Active duty 2. Any period of active duty for training (ACDUTRA) during which the individual concerned was disabled from a disease or injury incurred or aggravated in the line of duty 3. Any period of inactive duty training during which the individual concerned was disabled from an injury incurred or aggravated in line of duty or from an acute myocardial infarction (heart attack), a cardiac arrest, or a cerebrovascular accident (stroke) which occurred during such training   This lesson will not include in-depth discussion of establishing Veteran status. Briefly read over the definitions of active duty, active duty for training, and inactive duty training and answer questions. If needed, remind them this lesson is ultimately about compensation claims, not Veteran status. There is a separate lesson addressing establishment of Veteran status.  ***NOTE****: Inform students that the following definitions have been abbreviated to reflect scenarios most frequently encountered.*  Active duty:   * full-time duty in the Armed Forces, other than active duty for training * authorized travel to or from such duty or service * the period of time immediately following the date of discharge or release from active duty determined by the Secretary concerned to have been required for the individual to proceed to his or her home by the most direct route, and, in all instances, until midnight of the date of such discharge or release * additional types of service as described in 38 CFR 3.6(b)   Active duty for training:   * full-time duty in the Armed Forces performed by Reserves for training purposes * full-time duty performed by members of the National Guard of any State, under 32 U.S.C. 316, 502, 503, 504, or 505 * authorized travel to or from such duty * additional types of service as described in 38 CFR 3.6(c)   Inactive duty training:   * duty (other than full-time duty) prescribed for Reserves by the Secretary concerned under 37 U.S.C. 206 or any other provision of law * duty (other than full-time duty) performed by a member of the National Guard of any State, under 32 U.S.C. 316, 502, 503, 504, or 505, or the prior corresponding provisions of law * additional types of service as described in 38 CFR 3.6(d)   Any individual who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training and is disabled from an injury or covered disease incurred while proceeding directly to or returning directly from such active duty for training or inactive duty training shall be deemed to have been on active duty for training or inactive duty training, as the case may be.  “Covered disease” means an acute myocardial infarction (heart attack), cardiac arrest, or cerebrovascular accident (stroke). |
| Principles of Service-Connection  Slide 13 | Service-connection connotes many factors but basically it means that the facts, shown by evidence, establish that a particular injury, or disease resulting in disability, was incurred coincident with service in the Armed Forces, or if preexisting such service, was aggravated therein. This may be accomplished by affirmatively showing inception or aggravation during service or through the application of statutory presumptions.  Each disabling condition shown by a Veteran's service records, or for which the Veteran seeks service-connection must be considered on the basis of the places, types, and circumstances of his service as shown by service records, the official history of each organization in which he served, his medical records and all pertinent medical and lay evidence.  Determinations as to service-connection will be based on review of the entire evidence of record, with due consideration to the policy of the Department of Veterans Affairs to administer the law under a broad and liberal interpretation consistent with the facts in each individual case.  **“Qualifying service period”** means the Veteran’s period(s) of active military service from which he or she was discharged or released under conditions other than dishonorable.  After receiving feedback from students, inform them that the three categories of service that qualify as **“active military service”** include:   1. Active duty 2. Any period of active duty for training during which the individual concerned was disabled from a disease or injury incurred or aggravated in line of duty 3. Any period of inactive duty training during which the individual concerned was disabled from an injury incurred or aggravated in line of duty or from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident which occurred during such training   Point out that the arrow for **Direct** points to the road representing the Veteran’s qualifying service period.  Explain that “direct” means a disability resulting from an injury or disease **incurred** in line of duty during active service.  Elaborate that “incurred” means the injury happened in service or the disease began in service.  Ask students to recall what “in line of duty” means.  After receiving feedback from students, inform them that **“in line of duty”** means an injury or disease incurred or aggravated during a period of active military, naval, or air service unless such injury or disease was the result of the Veteran's own willful misconduct, or, for claims filed after October 31, 1990, was a result of his or her abuse of alcohol or drugs.  Follow up by asking students to recall what “willful misconduct” means.  After receiving feedback, inform students that **“willful misconduct”** means an act involving conscious wrongdoing or known prohibited action.  Ask students for an example of willful misconduct.  After receiving feedback from the students, inform them that driving while intoxicated would generally be considered an example of willful misconduct. Explain that if, in the drinking of a beverage to enjoy its intoxicating effects, intoxication results proximately and immediately in disability, the disability will be considered the result of the person's willful misconduct and therefore cannot be granted service-connection.  Tell students that in addition to **Direct**, the diagram illustrates other ways that service-connection may be established for a disability. Point out each of the other ways and provide the following brief definitions.   * **Aggravated** means a disability existing prior to service and made worse due to military service. * **Presumptive** means a disability presumed to have been caused by service based on location or circumstances of service, or by military service itself. * **Secondary** means a disability resulting from, or worsened by, another service-connected condition. |
| Methods of Service-Connection  Slide 14 | Service-connection is granted for *chronic,*rather than *acute,* disabilities.  A ***chronic disability*** is a disability of long duration and although it may go into remission or temporarily get somewhat better, it never goes away completely.  An ***acute disability*** is a disease or injury that   * has definite symptoms * is short in duration, and * results in a recovery without apparent residuals   *Note:* Some conditions may be either acute or chronic. A back condition, for example, may clear up and resolve (acute) or it may become worse and persist (chronic).  *Instructor: Review examples of chronic and acute disabilities.*  ***Direct*** means a disability resulting from an injury or disease incurred in line of duty during active service.  The current disability must have begun during active duty service either by manifestation of the disease entity or by the occurrence of an injury or traumatic event during service resulting in the current, chronic, ongoing disability.  Direct service-connection may be granted for diseases diagnosed after discharge when all the evidence, including that pertinent to service, establishes that the disease was incurred in service.  ***Aggravated*** means a disability existing prior to service and made worse due to military service.  A pre-existing injury or disease is considered to have been aggravated by active military service when there is an increase in disability during active military service, unless the evidence clearly and unmistakably shows the increase in disability is due to the natural progress of the injury or disease.  ***Presumptive*** means a disability presumed to have been caused by service based on location or circumstances of service, or by military service itself.  Diseases or conditions entitled to consideration for presumptive service-connection will be considered to have been incurred in or aggravated by service if manifested to a compensable level within the time frame specified for that certain disease under the regulation, even if there is *no evidence of such disease during service.*  Categoriesof diseases entitled to consideration for presumptive service-connection under [38 CFR 3.309(e)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7505e0e769ce75fbba674d16b353d237&mc=true&r=SECTION&n=se38.1.3_1309) include chronic diseases, tropical diseases, diseases specific as to former prisoners of war, diseases specific to radiation-exposed Veterans, and diseases associated with exposure to certain herbicide agents (including Agent Orange).  Additional disabilities entitled to consideration for presumptive service-connection include, but are not limited to   * amyotrophic lateral sclerosis (ALS) under [38 CFR 3.318](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=e2da3beb077befda21b986cc531ccda7&mc=true&r=SECTION&n=se38.1.3_1318) * an undiagnosed illness or a diagnosable but medically unexplained chronic multi-symptom illness of unknown etiology, for Veterans with service in the Southwest Asia theater of operations under [38 CFR 3.317(a)&(b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=9790e3e2dcc9542dfd59a9cfef7a80ef&node=se38.1.3_1317&rgn=div8), and * certain infectious diseases, for Veterans with service in the Southwest Asia theater of operations or service in Afghanistan under [38 CFR 3.317(c)](http://www.ecfr.gov/cgi-bin/text-idx?SID=9790e3e2dcc9542dfd59a9cfef7a80ef&node=se38.1.3_1317&rgn=div8).   **Chronic diseases –** Inform students that some examples of chronic diseases include arthritis, epilepsy, peptic ulcers, migraine headaches, and sensorineural hearing loss.  Explain to students that most of the chronic diseases listed in [38 CFR 3.309(a)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7505e0e769ce75fbba674d16b353d237&mc=true&r=SECTION&n=se38.1.3_1309) must have become manifest to a degree of 10 percent or more **within one year of separation from service** in order to qualify for presumptive service-connection. (MS, at seven years, is an exception.)  **Diseases associated with exposure to certain herbicide agents –** Inform students that some examples of diseases associated with exposure to certain herbicide agents are diabetes mellitus type 2, coronary artery disease, Parkinson’s disease and prostate cancer.  Explain to students that most of the diseases associated with exposure to certain herbicide agents listed in [38 CFR 3.309(e)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7505e0e769ce75fbba674d16b353d237&mc=true&r=SECTION&n=se38.1.3_1309) must have become manifest to a degree of 10 percent or more **at any time after service** inorder to qualify for presumptive service-connection.  ***Secondary*** means a disability resulting from, or worsened by, another service-connected condition.  Secondary service-connection may be awarded for   * disabilities that are proximately due to, or the result of, a service-connected condition, and * the increase in severity of a non-service-connected disability that is attributable to aggravation by a service-connected disability, and not to the natural progression of the non-service-connected disability.   The term *proximately due to* means the service-connected condition directly caused the claimed disability, as distinguished from having been a remote contributing cause. |

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| Topic 2: Types of Compensation Claims | |
| Introduction | This topic will assist the trainee in recognizing original and non-original compensations claims, as well as claims for increase or reconsideration. |
| Time Required | 1 hour |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Identify original claims, reopen claims, and claims for increase or reconsideration * Define new and material evidence and recognize its role in reopen claims   The following topic teaching points support the topic objectives:   * Types of compensation claims * Reconsiderations * New and Material Evidence |
| Types of Compensation Claims  Slide 15 | A ***complete claim*** for disability compensation means a submission of an application form prescribed by the Secretary, whether paper or electronic, that meets the following requirements:   * Provides the name of the claimant; the relationship to the Veteran, if applicable; and sufficient service information for VA to verify the claimed service, if applicable. * Is signed by the claimant or a person legally authorized to sign for the claimant. * Identifies the benefit sought. * Provides a description of any symptom(s) or medical condition(s) on which the benefit is based, to the extent the form prescribed by the Secretary so requires.   An ***original claim*** means the *initial* complete claim for one or more benefits on an application form prescribed by the Secretary.  A ***non-original claim for compensation*** means any disability compensation claim received after the initial eligibility decision.  Instructor: Explain to students that there are several types of disability compensation claims that may be filed after the Veteran has received an initial eligibility decision. The non-original compensation claims portion of this lesson, however, is limited to claims for,   * service-connection for new disabilities, * service-connection for previously denied disabilities, and * increased evaluation of an existing service-connected disability.   Non-original new claims include:   * claims for service-connection for disabilities not previously adjudicated, and * disability compensation filed for the first time, but received after a disability pension claim has previously been filed and adjudicated.   Claims for service-connection received after the denial of an earlier claim for that same disability has become final are considered claims to reopen.  **Final** means the claim is no longer active and the appeal period has expired.  ***Note:*** Do not confuse a claim toreopen with a claim for *reconsideration.* A claim to reopen differs from a claim for reconsideration in that the decision at issue in a claim to reopen has become final. For more information about claims for reconsideration, see [M21-1, Part III, Subpart ii, 2.F](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000032429/M21-1-Part-III-Subpart-ii-Chapter-2-Section-F-Requests-for-Reconsideration).  Claims for an increased evaluation of an existing service-connected disability are, as one might expect, considered claims for increase. |
| Reconsideration  Slide 16 | A request for reconsideration is a request from a claimant for the Department of Veterans Affairs (VA) to reconsider one of its decisions that has not yet become final (the one-year appeal period, which begins on the date the claimant was notified of the decision at issue, has not yet expired).  A prescribed form is ***not*** required for a request for reconsideration.  A request for reconsideration differs from a claim to reopen in that the decision at issue in a claim to reopen *has* become final (one-year appeal period expires).  5103 Notice is not required upon receipt of a request for consideration because the notice was already provided to the claimant.  This table describes the initial steps for handling a request for reconsideration.   |  |  | | --- | --- | | **If the claimant Submits…** | **Then…** | | evidence VA has never before considered (new or material) | refer the claim to either the rating activity or authorization activity (whichever made the decision at issue) for reconsideration | | no evidence but makes reference to available evidence that VA has never before considered | assist the claimant in obtaining the evidence.  **Reference:** For information about assisting claimants in obtaining evidence to support their claim, see [M21-1, Part III, Subpart iii, 1.C.1, 2, and 3](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014156/M21-1, Part III, Subpart iii, Chapter 1, Section C - Requesting Evidence From Sources Other Than the Claimant). | | A statement indicating a willingness to report for examination(s) after failing to report to a previously scheduled exam(s) | reorder the missed examination(s). | | * no evidence, or * evidence VA has already considered | Send the claimant the letter shown in [M21-1, Part III, Subpart ii, 2.F.1.e](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#1e). |   Include appeal rights in a decision notice issued in response to a request for reconsideration ***only if*** VA received or obtained ***new*** evidence in connection with the request for reconsideration.  Include the appeal rights and a [VA Form 21-0958](http://www.vba.va.gov/pubs/forms/VBA-21-0958-ARE.pdf)*, Notice of Disagreement,* regardless of whether or not the decision at issue changed.  ***Important***:  If the inclusion of appeals rights in the decision notice is appropriate, the claimant has one year from the date of that notice to file a notice of disagreement (NOD) with the corresponding decision.  If a claimant who, in support of a request for reconsideration of a previously denied claim, provides   * no evidence, or * evidence VA has already considered,   then send the claimant a letter containing the necessary language.  The EP 400 must be cleared after sending the letter. Do ***not*** maintain EP control for a response. Further action on the claim is only required if the claimant responds to the letter. |
| New & Material Evidence  Slide 17 | A claimant must submit new and material evidence before VA will reopen a finally denied claim. A previous, finally denied claim is considered reopened only when the evidence submitted is both new *and* material.   * ***Evidence*** means any type of proof offered to establish a fact. Examples of evidence include, but are not limited to, testimony (to include statements, contentions, and arguments), documentary proof, and medical examinations or reports.   ***New evidence***   * is evidence not previously of record, and * is neither cumulative nor redundant.   ***Material evidence***   * is relevant evidence that, when considered by itself or considered with previous evidence of record, relates to an unestablished fact necessary to substantiate the claim * has a legitimate influence or bearing on the decision in the case, and is neither cumulative nor redundant.   New and material evidence can be neither cumulative nor redundant of the evidence of record at the time of the last final denial, and must raise a reasonable possibility of substantiating the claim. |

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| Topic 3: Application Requirements | |
| Introduction | This topic will assist the trainee in recognizing original and non-original compensations claims, as well as claims for increase or reconsideration. |
| Time Required | 1 hour |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Recognize prescribed forms for compensation claims * Define and identify a complete claim, intent to file, and request for application   The following topic teaching points support the topic objectives:   * Prescribed Forms * Request for Application * Substantially Complete Application |
| Prescribed Forms  Slide 18-19 | Effective March 24, 2015, VA only recognizes compensation claims if they are submitted on the required standard forms. These standard forms are commonly referred to as “prescribed forms.” |
| Request for Application  Slide 20 | A claimant may submit correspondence in conjunction with a prescribed form that identifies additional benefits being sought. VA may accept these statements as part of the claim under specific circumstances.  If the benefit sought in the correspondence is submitted with   * the appropriate prescribed form, consider the additional issue(s) as part of the pending claim. * a form*not* prescribed for the specific benefit, consider the additional issue(s) a request for application (RFA).   Consider a request for benefits which was not filed on (or with) an appropriate prescribed form on or after March 24, 2015, a request for application (RFA).  VA must provide the prescribed application forms to the Veteran when he or she submits a request for application or desire for benefits either in writing or through electronic communications that is not on a standard claim form. Instructions for RFA processing can be found in [M21-1 III.ii.2.C.2.b](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014119/M21-1-Part-III-Subpart-ii-Chapter-2-Section-B-Claims-for-Disability-Compensation-andor-Pension). |
| Substantially Complete Application  Slide 21 | Upon receipt of an application for benefits filed on an appropriate prescribed form, VA must determine if the application is substantially complete.  A substantially complete application for disability compensation must include:   1. claimant’s name and relationship to the Veteran, if applicable 2. sufficient service information for the VA to verify the Veteran’s service, if applicable 3. benefit claimed 4. disability(ies) on which the claim for benefits is based, and 5. signature of the claimant or another legally authorized individual.   The signature requirement for a substantially complete claim is set aside when a claim is filed electronically through an online application.  ***Exception*:** Claims may be submitted by powers of attorney (POAs) through the Stakeholder Enterprise Portal (SEP). Original compensation claims submitted through SEP involve additional signature requirements to be substantially complete. For more information on claims for compensation submitted through SEP, see [M21-1, Part III, Subpart i, 4.B.2](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000031400/M21-1, Part III, Subpart i, Chapter 4, Section B - The Stakeholder Enterprise Portal (SEP) Role in the Veterans Online Application (VONAPP) Direct Connect (VDC) Process).  All claims filed on paper applications must be signed by the claimant or a person legally authorized to sign for the claimant.  Acceptable claimant signatures include   * original signatures (“pen and ink” or “wet” signatures) * faxed and photocopied signatures * signatures by *X* mark or thumbprint, if witnessed by two persons who give their addresses, a VA employee, a Veterans Service Organization (VSO) representative, an attorney, an accredited agent, a notary public, or a person having the authority to administer oaths for general purposes * signatures (or an *X* mark as a signature) made by pencil, and * poor quality signatures due to low quality scanned documents.   VA may accept an alternate signature on behalf of claimants or beneficiaries who   * are under age 18 * are physically unable to sign a form, or * lack the mental capacity to provide substantially accurate information needed to complete a form or to certify that the statements made on a form are true and complete.   [38 U.S.C. 5101](https://www.law.cornell.edu/uscode/text/38/5101) requires that an alternate signer be at least one of the following:   * a court-appointed representative * a person who is responsible for the care of the claimant or beneficiary, including a spouse or other relative * an attorney-in-fact or agent authorized to act on behalf of the individual under a durable power of attorney (POA), or * the manager or principal officer acting on behalf of an institution caring for the claimant.   When an alternate signer certifies or represents that he or she is an appropriate signer under the criteria set forth in 38 U.S.C. 5101, VA will generally accept the alternate signature in the absence of discrepant information.  Under the circumstances described in [M21-1, Part III, Subpart ii, C.2](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014112/M21-1-Part-III-Subpart-ii-Chapter-1-Section-C-Initial-Screening-Policies), however, an application with an alternate signature requires additional development. An application with an alternate signature requiring additional development is considered an *incomplete application*.  An incomplete application is any submission on a prescribed form that does not meet the requirements for a substantially complete claim.  Notification requirements for incomplete applications can be found in [M21-1, Part I, 1.B.1](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014065/M21-1-Part-I-Chapter-1-Section-B-Duty-to-Notify-Under-38-USC-5102-and-5103). For incomplete applications requiring additional development related to an alternate signature, see [M21-1, Part III, Subpart ii, C.2](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014112/M21-1-Part-III-Subpart-ii-Chapter-1-Section-C-Initial-Screening-Policies). |

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| Topic 4: End Products (EPs) and Statutory Obligations | |
| Introduction | This topic will assist the trainee in recognizing proper EPs for compensation claims and understanding VA’s statutory obligations upon receipt of a compensation claim. |
| Time Required | 1 hour |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Identify proper end products (EPs) * Identify VA statutory obligations upon receipt of a substantially complete claim   The following topic teaching points support the topic objectives:   * EPs * Duty to Notify * Duty to Assist |
| End Products (EPs)  Slide 22 | The end product (EP) system is the primary workload monitoring and management tool for the Veterans Service Center (VSC). Additionally, received and completed EPs are used to formulate the annual budget submission to the Secretary, Office of Management and Budget (OMB), the President, and Congress.  Upon receipt of a substantially complete application for benefits, an EP is established in VA computer systems. This EP will generally not be cleared until all issues raised by the claim have been resolved.  The correct EP for an original compensation claim depends on the number of issues associated with the claim. Each disability claimed or identified and rated for disability compensation entitlement is counted as an issue.   * The correct EP for original compensation claims with 7 issues or less is EP 110. * The correct EP for original compensation claims with 8 issues or more is EP 010.   Claims related to service-connection and claims for increase, subsequent to an initial claim under EP 110 or 010, are generally the disability claims applicable to EP 020, regardless of the number of issues associated with the claim.  If the claimant submits:   * new and material evidence, * references evidence VA has never before considered, or * a statement of willingness to report for an exam   then make sure an end product (EP) 020 with the *Reconsideration* claim label is established. This will ensure that the intent to file (ITF) batch process will not update the status of an *active* ITF to *claim received* upon establishment of the EP.  **NOTE:** If additional conditions are claimed at the same time as the reconsidered issues, do ***not*** establish an EP 020 with the *Reconsideration* claim label, but instead establish the appropriate EP claim label based on whether the claimed conditions constitute new, increase, or reopened claims.  If the claimant submits no additional evidence or evidence VA has already considered, then establish a 400 EP with the *Correspondence* claim label. If a rating EP was erroneously established to control the request, change the EP to EP 400 with the *Correspondence* claim label. |
| Duty to Notify  Slide 23 | Upon receipt of a substantially complete claim, VA has a ***duty to notify*** the claimant of any information and medical or lay evidence not previously provided that is necessary to substantiate the claim.  This statutory obligation, based on [38 U.S.C. 5103](https://www.law.cornell.edu/uscode/text/38/5103), is met when this notice, referred to as a *Section 5103 notice*, is provided to claimants on a standard EZ application form, through online claims submission, or by letter sent from the VA to the claimant (and representative, if any).  If the Section 5103 notice has been provided to the claimant but there is additional information needed from the Veteran to support his or her claim, VA is obligated to notify claimants of this required information.  *Instructor: Give students the following* ***example of additional information needed to support a Veteran’s claim****: A Veteran who served in Vietnam claims service-connected compensation for colon cancer due to Agent Orange exposure in Vietnam. His DD214 confirms service in Vietnam; however, colon cancer is not recognized as a disease associated with exposure to herbicide (including Agent Orange) exposure.*  *In herbicide-related claims, if the claimed disability is not recognized as a presumptive condition under* [*38 CFR 3.309(e)*](http://www.ecfr.gov/cgi-bin/text-idx?SID=ce4db74ee1e5ecc339221e5184616cc0&mc=true&node=se38.1.3_1309&rgn=div8)*, VA must send the claimant a letter requesting scientific or medical evidence showing that the claimed condition is medically associated with dioxin exposures.* |
| Duty to Assist  Slide 24 | Upon receipt of a substantially complete claim, VA also has a ***duty to assist*** the claimant by making reasonable efforts to help him or her obtain evidence necessary to substantiate the claim.  To fulfill VA’s statutory obligation to assist the claimant, reasonable efforts must be made to help the claimant obtain relevant evidence necessary to substantiate the claim, including   * relevant records in the custody of a Federal department or agency * relevant non-Federal or private records from all sources that the claimant adequately identifies, and * a medical opinion or examination, when warranted. |
| 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 |

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| Practical Exercise | |
| Time Required | .5 hour |
| EXERCISE | Enter the instructions and any information the instructor will need to present the exercise.  Ask if there are any questions about the information presented in the exercise, and then proceed to the Review. |

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| Lesson Review, Assessment, and Wrap-up | |
| Introduction  Discuss the following: | The Compensation Claims lesson is complete.  Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | .25 hours |
| Lesson Objectives | You have completed the Compensation Claims lesson.  The trainee should be able to:   * Define disability compensation, service-connection, and related terms * Identify Veteran status * Differentiate between acute and chronic disabilities * Recognize and identify methods of service-connection * Define and identify a complete claim, intent to file, and request for application * Identify original claims, reopen claims, and claims for increase or reconsideration * Define new and material evidence and recognize its role in reopen claims * Recognize prescribed forms for compensation claims * Identify proper end products (EPs) * Identify VA’s statutory obligations upon receipt of a substantially complete claim |
| Assessment | Remind the trainees to complete the online 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. |