Ready for decision

Instructor Lesson Plan

Time Required: 1.5 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 # | 4183326 |
| Prerequisites | Prior to this lesson, the Veterans Service Representative (VSR) should have completed IWT. Trainees should also have practice developing claims.  |
| target audience | The target audience for Ready for Decision is for entry level and intermediate level VSRs.Although this lesson is targeted to teach the entry level and intermediate level VSR employee, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 1.5 hours |
| Materials/TRAINING AIDS | Lesson materials:* Ready for Decision PowerPoint Presentation
* Ready for Decision Trainee Handouts
* Ready for Decision Level II Assessment
* Ready for Decision Disability Benefits Questionnaire (DBQ)
 |
| 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 manuals and regulations
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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.
* 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 ready for decision |
| 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 | 10 minutes |
| Purpose of LessonExplain the following: | This lesson is intended to provide the VSR with the knowledge to determine if a claim is ready for decision. This lesson will contain discussions and exercises that will allow you to gain a better understanding of: * The Roles of VSR and RVSR
* Review of Application
* Duty to Assist
* Examination
* Review of Exam Results
* Making Claim Ready for Decision
 |
| Lesson ObjectivesDiscuss the following:Slide 2, 4, 5 Handout DBQ | In order to accomplish the purpose of this lesson, the VSR will be required to accomplish the following lesson objectives.TheVSRwill be able to: * Understand the Role of a VSR and RVSR
* Review the Veteran’s File for Completion
* Determine if a Claim is Ready for Decision
 |
| 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 | Explain to the trainees how the material covered in class is important to understand so that they can meet their monthly performance standards as a VSR. |
| STAR Error code(s) | A1, B1, B2  |
| ReferencesSlide 3  | * [**M21-1, Part III, Subpart iv, 2.A**](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000015807%2FM21-1-Part-III-Subpart-iv-Chapter-2-Section-A-Preliminary-Review-of-Claims-by-the-Rating-Activityhttps://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000015807%2FM21-1-Part-III-Subpart-iv-Chapter-2-Section-A-Preliminary-Review-of-Claims-by-the-Rating-Activity), Preliminary Review of Claims
* [**M21-1 Part III, Subpart ii, 1.A**](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014108%2FM21-1-Part-III-Subpart-ii-Chapter-1-Section-A-Process-Overview), *Process Overview*
* [**M21-1 Part III, Subpart ii, 7.3**](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014144%2FM21-1-Part-III-Subpart-ii-Chapter-7-Referrals-to-the-Rating-Activity), Responsibility of Rating Activity
* [**M21-1 Part I, Chapter 1, Section B**](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000013969%2FM21-1-Part-I-Chapter-1-Section-A-Description-and-General-Information-on-Duty-to-Notify-and-Duty-to-Assist), Duty to Assist
 |
| Topic 1: Roles of a vsr and rvsr |
| Introduction | Understand the responsibilities of the VSR and RVSR |
| Time Required | 10 minutes  |
| OBJECTIVES/Teaching Points | Topic objectives:* Recognize the basic responsibilities of a VSR and RVSR
* Recognize the basic requirement if a case is ready for decision

The following topic teaching points support the topic objectives: * Role of a VSR and RVSR
* Making Claim Ready for Decision
 |
| Rating Decision vs Entitlement DecisionSlide 6Rating Activity | An entitlement decision is a decision made by a Veterans Service Representative (VSR). A rating decision is a decision made by a Rating Veterans Service Representative (RVSR).VSRs have the authority to make entitlement decisions and, when supported by evidence, deny benefits if the issue involves* a basic eligibility determination
* an income or net worth determination
* a change in the number or status of dependents, or
* entitlement to A&A under [38 CFR 3.351(c)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=146fb93a9cd580c985d9f9bee1b49837&node=se38.1.3_1351&rgn=div8), based on the claimant’s status as a patient in a nursing home.

RVSRs make decisions on:* disability compensation and pension
* Dependency and Indemnity Compensation (DIC)
* burial benefits when service connection is at issue
* accrued benefits, and
* other benefits requiring rating decisions under VA laws and regulations.

*See* [*M21-1,Part III, Subpart iv,1.c*](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000015806%2FM21-1-Part-III-Subpart-iv-Chapter-1-General-Information-on-the-Rating-Activity) |
| Exercise | N/A |
| note(s) | N/A |
| DEMONSTRATION | N/A |

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| Topic 2: Review of Application |
| Introduction | This topic will allow trainees to review the application for completion and ensure all benefits sought by Veteran are addressed. |
| Time Required | 10 minutes |
| OBJECTIVES/Teaching Points | Topic objectives:* Ensure all benefits sought are addressed

The following topic teaching points support the topic objectives: * A substantially complete application
 |
| Application Review Slide 7 | The application should be reviewed to ensure completion and that all conditions claimed were addressed before the claim can be forwarded to the rating activity. * A **s*ubstantially complete application*** means an application containing
	+ the claimant's name
	+ his or her relationship to the Veteran, if applicable
	+ sufficient service information for VA to verify the claimed service, if applicable
	+ the benefit claimed and any medical condition(s) on which it is based
	+ the claimant's signature (if submitted in paper form), and
	+ a statement of income in claims for Veterans or Survivors Pension and Parents' Dependency and Indemnity Compensation (DIC).
* An ***incomplete application*** is any submission on a prescribed form; however, information is missing from the above listed requirements for a substantially complete application.

See [38 CFR 3.159(a)(3)](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014115%2FM21-1-Part-III-Subpart-ii-Chapter-2-Section-C-Informal-Claims-Received-Prior-to-March-24-2015-Communication-of-an-Intent-to-File-ITF-and-Requests-for-an-Application), [M21-1, Part III, Subpart ii, Chapter 1, Section A.2.d](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014108%2FM21-1-Part-III-Subpart-ii-Chapter-1-Section-A-Process-Overview), and [M21-1, Part III, Subpart ii, Chapter 2, Section C.1.n](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014115%2FM21-1-Part-III-Subpart-ii-Chapter-2-Section-C-Informal-Claims-Received-Prior-to-March-24-2015-Communication-of-an-Intent-to-File-ITF-and-Requests-for-an-Application) |
| Exercise | N/A |
| note(s) | N/A |
| DEMONSTRATION | N/A |

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| Topic 3: Duty to Assist |
| Introduction | This topic will allow the trainee to review the claim and ensure the Veteran was provided assistance in obtaining records to adjudicate his claim. |
| Time Required |  10 minutes  |
| OBJECTIVES/Teaching Points | Topic objectives:* Inform Veteran of requirements to complete his claim
* Ensure VA obtained all relevant records
* Proof of Service
 |
| Duty to AssistSlide 8Duty to Assist*(cont.)*Slide 8 | VA has a duty to assist a claimant who files a substantially complete application in obtaining evidence to corroborate his or her claim before making a decision on the claim. [38 USC 5103A](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) provides that the Veterans Administration (VA) shall make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate a claim for benefits.VA has a duty to obtain all relevant records in the custody of a Federal Department or Agency. This includes:* + Service Treatment Records (STRs)
	+ VA medical records
	+ Social Security Administration records
	+ Any other federal agency

Relevancy is determined by what is being claimed. For example, in claims for service connection, relevant documents are those that may substantiate one of the elements of service connection (incurrence, current condition, or links). Our duty to assist also includes developing for non-Federal records like:* + Private medical records, and
	+ Lay or other evidence, such as
	+ employment records, or
	+ state workers compensation records

If an examination is necessary to make a decision on a claim for compensation, then our duty to assist includes examining claimants, and/or obtaining a medical opinion.**Duty to Assist ends when…*** + The evidence cannot be obtained despite reasonable efforts.
	+ All evidence is obtained.
	+ The benefits claimed are granted.

Discontinuance of AssistanceVA will not provide assistance in obtaining evidence if a substantially complete application for benefits indicates that there is no reasonable possibility that any assistance VA would provide to the claimant would substantiate the claim.* + Claims that are inherently incredible or clearly lack merit
	+ An application requests a benefit to which the claimant is not entitled as a matter of law
	+ The claimant fails to notify us of relevant records
	+ The claimant fails to cooperate
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| Exercise | N/A |
| note(s) | N/A |
| DEMONSTRATION | N/A |

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| Topic 4: examination |
| Introduction | Determining if an examination is necessary |
| Time Required | 10 minutes  |
| OBJECTIVES/Teaching Points | Topic objectives:* Determine if VA exam is required
* Review exam for completion

The following topic teaching points support the topic objectives: * What type of exam is needed
* Exam Review
 |
| Examination ReviewSlide 9and 10 | VA examinations are to be conducted using Disability Benefit Questionnaires (DBQs) which are disease and condition-specific, organized as a documentation tool to provide the precise medical evidence needed to rate specific disabilities. You are required to review the report to ensure that there is a DBQ for each condition claimed before sending the claim to the rating activity for decision.***Please note that the VA examination report submitted to the rating activity must be as complete as possible.***Any missing required information on the report makes the examination insufficient for rating purposes. This can include, but is not limited to, the following instances* The examination report is unsigned.
* The examination report did not address all disabilities for which an examination was requested.
* The required question(s) on the DBQ were left blank.
* The required review of the claims folder was not accomplished.
* Missing information on the report pertinent to the disability under review, such as failure to discuss the impact of musculoskeletal pain on the functional loss of an affected joint.
* A medical opinion is not properly supported by a valid rationale and/or by the evidence of record.
* A requested medical opinion was not furnished.

***Note***: Examinations that are cancelled by VHA or a contractor, without a valid reason, should be returned as insufficient for rating purposes if the rating activity determines that the examination is warranted.See [M21-1, Part III, Subpart iv, Chapter Section D](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000015812%2FM21-1-Part-III-Subpart-iv-Chapter-3-Section-D-Examination-Reports) – Examination Reports |
| Exercise | N/A |
| note(s) | N/A |
| DEMONSTRATION | N/A |

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| Topic 5: make claim ready for decision |
| Introduction | Reviewing File to Ensure All Development is Complete |
| Time Required | 15 minutes  |
| OBJECTIVES/Teaching Points | Topic objectives:* Review application
* Review medical evidence and other records
* Review exam report

The following topic teaching points support the topic objectives: * Is application complete
* Making Claim Ready for Decision
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| IS CLAIM READY FOR DECISION?Slide 11 | Once the following information is obtained a claim is considered to be ready for decision: * VA Form 21-526 (all types)
* Veteran status (DD214 or PIES 050)
* Service Treatment Records (E-mail to RMC or PIES 050)
* Sep/Sev pay (DFAS or PIES O03) remind trainees the separate request for financial records means separate PIES sheet
* Private Treatment Records (VA Form 21-4142/21-4142a)
* Treatment from the VA Medical Center (CAPRI or 10-7101)
* VA examination or QTC/MES exams
* Section 5103 Notice addresses all issues claimed
* Any Federal Records noted by the Veteran
* Verify the actions required by [38 CFR 3.159](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=39c7e367a71c8efc570650851b266303&rgn=div5&view=text&node=38:1.0.1.1.4&idno=38#se38.1.3_1159) have been completed.

Then update VBMS (Covers *if necessary)* making claim ready for decision. |
| Exercise | N/A |
| note(s) | N/A |
| DEMONSTRATION | N/A |
| Regional Office Specific Topics | N/A |
| Practical Exercise |
| Time Required |  15 minutes  |
| EXERCISE | Directions: Answer the questions below. Review the attached DBQ to answer the Questions 1 and 2.1. The Veteran is seeking service connected compensation for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
2. What is the diagnosis for Mr. Veteran? \_\_\_\_\_\_\_\_\_\_\_\_
3. You are reviewing a claim, all evidence is received, to include the exam and enough medical evidence to grant the benefit but you do not see a 5103 notice was ever sent to the Veteran who submitted his claim on a VA Form 21-526, can this claim be sent for a rating decision? Please provide a reference to support your answer.
4. You are reviewing a two year old claim, for a Veteran who was released from service July 28, 2004, all evidence was received to include the exam and you notice the Veteran claimed a right knee condition that was tabbed in his STRs but no DBQ was found for this condition in the exam report. Capri records show that Veteran was treated for his right knee September 1, 2009 (but no recent treatment). Because of the age of the claim and all the evidence was received, can we forward this claim for a rating decision?
5. While reviewing a claim, you notice the Veteran stated on his application that he received treatment records from Dr. Jones. We sent the Veteran a VA Form 21-4142 and 21-4142a two months ago for completion but it was not returned. We have the Capri records, STRs, and exam report. Is this claim ready for decision?
6. While reviewing a claim, you notice the Veteran had multiple periods of service (serving in the Army from February 1, 1962 – January 31, 1968). His first period of service was from 1962 – 1966; however, there were no treatment records for this period in his file. You noticed the previous VSR working the claim had requested a PIES 050 and treatment records were received. Thus, you have the available STRs, the private treatment records, and the exam report. Is this claim ready for decision? Please explain your answer.

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 |
| IntroductionDiscuss the following: | The Ready for Decision lesson is complete. Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required |  10 minutes  |
| Lesson Objectives | You have completed the Ready for Decision lesson. The trainee should be able to: * Recognize the basic responsibility of a Veterans Service Representative (VSR)
* Recognize the basic responsibility of a Rating Veterans Service Reprsentative (RVSR)
* Recognize the basic requirements to determine if a case is ready for decision
 |
| 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. |