Fully Developed Claims (FDC)

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 # | 4183680 |
| Prerequisites | None |
| target audience | The target audience for Fully Developed Claims (FDC) is for 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 | 2.5 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Fully Developed Claims PowerPoint Presentation * Fully Developed Claims Trainee Handouts * Compensation Service Intranet |
| 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 * C&P Service Web Site * VBMS |
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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. * Provide a sign in sheet and at the conclusion of the session, ensure that all trainees sign in. |

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| Introduction to Fully Developed Claims (FDC) | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | 2.5 hours |
| Purpose of Lesson  Explain the following: | | This lesson is intended to give the trainees an overview on the FDC program. This lesson will contain discussions and exercises that will allow you to gain a better understanding of:   * The purpose of FDC * The specific forms used for the FDC program * Submission requirements for a complete and incomplete FDC claim * Types of exclusions from FDC * Development requirements * Type of Records request for FDC claims * Determining effective dates |
| Lesson Objectives  Discuss 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:   * Understand the purpose of the Fully Developed Claim Program (FDC) * Identify the specific forms used in the FDC Program * Recognize the submission requirements for a complete and incomplete FDC Claim * Identify types of exclusions from the FDC program * Identify FDC Development requirements, including notification * Determine the type of Records VBA is required to request in the FDC Program | |
| 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 | The FDC program was designed to reduce the backlog of pending claims and improve claims-processing timeliness. It is important for trainees to understand the FDC program and what is required to avoid errors in processing VA benefit claims. | |
| STAR Error code(s) | B1 | |
| References  Slide 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 506, Authority for Retroactive Effective Date for Awards of Disability Compensation in Connection with Applications that are Fully-Developed at Submittal](https://www.gpo.gov/fdsys/pkg/PLAW-112publ154/html/PLAW-112publ154.htm) * [M21-1 Part III, Subpart I, 3.A – General Information about the Fully Developed Claim (FDC) Program](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014109%2FM21-1-Part-III-Subpart-i-Chapter-3-Section-A-General-Information-About-the-Fully-Developed-Claim-FDC-Program%3FfromQuery%3DFDC) * [M21-1 Part III, Subpart I, 3.B – Processing Fully Developed Claims (FDCs)](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent/portal/554400000001034/article/554400000014110/M21-1-Part-III-Subpart-i-Chapter-3-Section-B-Processing-Fully-Developed-Claims-FDCs?fromQuery=FDC) | |

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| Topic 1: Purpose of FDC and Overview of EZ Forms | |
| Introduction | This topic will cover the purpose of the FDC program and the overview of the different types of VA Forms that are used in the FDC program |
| Time Required | 0.50 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Understand the purpose of the Fully Developed Claim Program (FDC) * Identify the specific forms used in the FDC Program   The following topic teaching points support the topic objectives:   * Review of the purpose of the FDC program and how it impacts the claims process * Review the specific forms used in the FDC Program for different types of claims |
| Purpose of FDC  Slide 4  Handout 4 | Explain to the trainee what the purpose of the FDC program is and how it affects the VA and the claims processing.  The VA designed the Fully Developed Claim (FDC) program for the purpose of:   * Reducing its backlog of pending claims, and * Improving claims-processing timeliness   The FDC program allows VA to divert the time and resources it normally devotes to the traditional claims process by requiring claimants that choose to participate in this program to:   * Submit their claim on a specific form that contains language which satisfies the notice requirements of 38 U.S.C. 5103 * Simultaneously submit all private medical treatment records with their claim * Identify any relevant treatment records at a Federal facility, and * Submit any additional forms or treatment records required under special circumstances that support their specific claim. |
| Types of EZ Forms  Slide 5  Handout 4 | Explain to the trainee the different types of forms used for the FDC program and that the forms ***MUST*** be complete, sign and return to the VA in order to participate in the FDC program.  Exception: VA does not require a “wet” signature on forms claimants submit through VONAPP or VDC. The certification that a wet signature provides on the paper versions of these forms is captured electronically when the claimants submit forms through authorized web ports, such as eBenefits.   * Disability claims – *VA Form 21-526EZ Application for Disability Compensation and Related Compensation Benefits* * Veteran’s Pension – *VA Form 21P-527EZ Application for Pension* * Survivors Benefits – *VA Form 21-534EZ Application for DIC, Death pension, and/or Accrued Benefits*   ***NOTE:*** A Veteran who simultaneously claims entitlement to both compensation and pension under the FDC Program must submit both   * *VA Form 21-526EZ* and * *VA Form 21P-527EZ* |
| EZ Form for FDC  Slide 6  Handout 4 | Only a claim filed on an EZ form is potentially eligible for processing in the FDC Program. If a claimant requests processing in the FDC Program but did not file their claim on an EZ form, or uses an outdated version of an EZ form (dated prior to August 2011), the claim will be excluded from the FDC Program.  Claimants ***MUST*** use the appropriate EZ form each time they file a claim if they want VA to process under the FDC Program.  In addition, claimants who do not want VA to process their claim under the FDC program may check the box next to the statement that reads “I DO NOT want my claim considered for rapid processing under the FDC Program because I plan to submit further evidence in support of my claim”. (Block 26 of the *VA Form 21-526EZ*, February 2016) |
| Unique Characteristics of the EZ form  Slide 7  Handout 5 | Explain to the trainee that the updated *VA Forms 21-526EZ, 21P-527EZ,* and the new *VA Form 21-534EZ* are unique in that they provide this notice along with the application for benefits, thereby eliminating the need for VA to:   * provide the notice *after* receiving the application, and * allow time for claimants to respond to the notice. |
| 21-526EZ Notice Section  Slide 8 & 9  *Handout 5* | Review with the trainees a blank *VA Form 21-526EZ* and explain the different parts.  Explain these forms are unique in that they provide 5103 notice along with the application for benefits. This eliminates the need for the VA to provide the notice after receiving the application and allowing additional time for the claimant to respond to the notice. The forms also explain the general differences between the FDC process and the Standard Claim process.  Elements of each EZ Form:  ***21-526EZ Application for Disability Compensation and Related Compensation Benefits***  The notice section of the *VA Form 21-526EZ* provides the claimant §5103 for the following type of disability claims:   * service connection (original, new, secondary, or reopened) for disabilities related to the following types of service:   + active duty   + active duty for training, or   + inactive duty training * increased disability rating * individual unemployability * temporary total disability rating due to   + hospitalization, or   + surgical or other treatment * compensation under [38 U.S.C. 1151](https://www.law.cornell.edu/uscode/text/38/1151) * special monthly compensation (SMC) based on the   + need for aid and attendance, or   + status of being housebound * additional benefits for a spouse who needs aid and attendance * specially adapted housing or special home adaption * automobile allowance or adaptive equipment, and * additional compensation for a Veteran with a child incapable of self-support.   **NOTE**: There are three types of live claims not covered by the 5103 notice: higher levels of SMC, hepatitis C, and permanent and total (P&T). A 5103 Notice would be required if a Veteran was filing one of these types of claims. |
| 21P-527EZ Notice Section  Slide 10  *Handout 6*  21-534EZ Notice Section  Slide 11  *Handout 6* | ***21P-527EZ Application for Non-Service Connected Pension Benefits***  The notice section of the new *VA Form 21P-527EZ* provides the claimant §5103 Notice to Veteran of the Evidence Necessary to Substantiate a Claim For Veterans Non Service-Connected Pension Benefits.  The notice is applicable to Veterans claims for:   * Non Service-Connected Pension * Non Service-Connected Pension with Aid and Attendance or Housebound Benefits * Benefits Based on a Veteran’s Seriously Disabled Child   ***21-534EZ Application for Dependency and Indemnity Compensation (DIC), Death Pension and Accrued Benefits***  The notice section of the new *VA Form 21-534EZ* provides claimants with §5103 Notice to survivors of the Evidence Necessary to Substantiate a Claim for Dependency and Indemnity Compensation (DIC), Death Pension, and/or Accrued Benefits. The notice is applicable to survivors claims for:   * Death Pension * DIC to include reopened DIC * DIC under 38 U.S.C 1151 * Increased Survivor Benefits Based on Need for Aid and Attendance or Being Housebound * Accrued Benefits * Benefits for a deceased Veteran’s child incapable of self-support |

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| Topic 2: Incomplete Claims for FDC | |
| Introduction | This topic will explain incomplete claims and the VA’s process to handle such claims. It will also explain the claims exclusion process from the FDC program and how the claimant is notified if they are excluded from the FDC program |
| Time Required | 0.50 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * The submission requirements for a complete and incomplete FDC Claim * The types of exclusions from the FDC program   The following topic teaching points support the topic objectives:   * Identify submission requirements for a complete and incomplete FDC Claim * Identify types of exclusions from the FDC program |
| Incomplete Claims for FDC  (prior to March 24, 2015 and after March 24, 2015)  Slide 12-14  Handout 7 | Explain to the trainees what an incomplete claim is and the action that is taken under the FDC program.  An incomplete claim for FDC refers to a communication or action that identifies intent to apply for benefits under the FDC program, but does not identify the benefit(s) sought or enough information to identify any of the claimant’s contentions.  If the EZ form was incomplete and received **prior** to March 24, 2015, it will be treated as an **informal** claim. Follow the instruction in M21-1, Part III, Subpart i, 3, A. 2. k.  If the EZ form was incomplete and received **after** March 24, 2015, it will be treated as a **request for** **application**. Follow the instructions in  M21-1, Part 1, 1.B.1.b.  If the EZ form contains enough information to identify some, but not all of the claimant’s contentions, follow the instruction in M21-1, Part III, Subpart I, 3, B.1. and attempt to obtain clarification from the claimant by telephone. If the telephone contact with the claimant is unsuccessful or further attempts to obtain clarification would result in a delay of more than one business day, follow the instructions in M21-1, Part III, Subpart I, 3, B.2.c for excluding the claim from the FDC program  **Additional Information – Unsigned form**  If the EZ form represents an original claim for benefits and the claimant ***did not*** sign the form, follow the instructions in M21-1, Part III, Subpart ii, 2.C.1.n.  If the EZ form does not represent an original claim for benefits and the claimant or the authorized representative did not sign the form and it is prior to March 24, 2015   * Establish the appropriate end product (EP) * Follow the instruction in M21-1, Part III, Subpart i, 3.B.2.a for excluding from the FDC program and provide the 5103 notice |
| Excluding a Claim from FDC at CEST  Slide 15 – 16  Handout 7-8 | Explain to the trainees that even though a claimant submits one of the EZ forms, the claim must be reviewed at the claims establishment (CEST) stage to ensure it qualifies for FDC processing.  Upon initial review, the claim may be excluded from the FDC program based on the following:   * The claimant indicated a desire not to have the claim processed in the FDC Program * The claimant has a claim pending at the time of receipt of the EZ form * The claimant has an appeal pending at the time of receipt of the EZ form * The claimant fails to simultaneously submit any of the additional forms required to process specific claims * Further evidence is needed from the claimant or an identified private medical provider * The claim requires a character of discharge determination * VA requires independent verification of earned and unearned income from Federal Tax Information (FTI) received for upfront verification * A service member files a pre-discharge claim * The claimant submits an incomplete form that is listed in the “Special Circumstances” section of the 21-526EZ. This includes incomplete dependency claims, (*21-686c Declaration of Status of Dependents* or *21-674 Request for Approval of School Attendance*) submitted with the 21-526EZ. Refer to M21-1, Part III, Subpart i, 3.B.2.a   **NOTE**: The VSR is required to attempt phone contact with the Veteran to obtain missing information prior to developing in a letter. If a letter is required, stress to the students that a note in VBMS is necessary to document the unsuccessful call and that the FDC exclusion language is required in the development letter. |
| Private Medical Records  Slide 17  Handout 8 | In the FDC program, the Veteran must submit copies of the private treatment records for VA to consider in order to remain eligible for the FDC program.  If the Veteran submits a completed *VA Form 21-4142 Authorization to Disclose Information to the Department of Veterans Affairs* and/or *21-4142a General Release for Medical Provider Information to the Department of Veterans Affairs* for a private provider along with their claim, the claim will be excluded and VA will develop for the medical records under the standard claims process. |
| Subsequent exclusion from FDC program  Slide 18  Handout 8  Slide 19  Handout 9 | Explain if at any time during the processing of an FDC, a reason for exclusion is met, the claim must be excluded from the FDC Program.   * The Veteran fails to report for a VA exam (and the fault is not with the VA due to using an incorrect address) * A supplemental claim, additional evidence, or an NOD on any claim is received after receipt of the FDC * This information can be submitted by the Veteran or their POA and will require the claim be excluded from FDC   **Submission of Additional evidence and FDC Exclusion**  In some cases, the submission of additional evidence does not require an automatic exclusion from the FDC program. Do not exclude a claim from the FDC program if the claimant submits   * Duplicate evidence already of record, including records not in the eFolder but in other VA systems, such as Compensation and Pension record Interchange (CAPRI) * The claimant responds to ONLY the information that is requested in a required development letter * Status or IRIS inquiries from the claimant or POA, or * Information received in response to a matching/data transfer program between VA and another government entity |

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| Excluded FDC Notification  Slide 20  *Handout 9* | Explain if it becomes necessary to exclude from the FDC program, the following steps need to be taken.   * Remove the FDC folder flash, if one exists * Replace the fully developed claim special issue indicator with the appropriate special issue indicator from the list in M21-1, Part III, Subpart I, 3.B.2.d-e   Veteran is notified using language such as:  “We cannot process your claim under the Fully Developed Claim (FDC) Program because…”   * …we received evidence requiring further development after the claim was received. * …you did not report for a scheduled VA examination. * …you did not sign your FDC application.   “Because your claim is not eligible for processing under the FDC Program, we are processing it under our standard claims processing procedures”  **NOTE**: This notice is **NOT** required to the claimant if the reason for exclusion is because the claimant declined FDC processing.  Refer to M21-1, Part III, Subpart I, 3.B.2.e for more details for the language to place under the “What We Still Need From You” paragraph in a Supplemental Development letter.  Continue processing the claim under standard claims-processing procedures |

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| Topic 3: FDC Development | |
| Introduction | This topic contains information about development VA undertakes in connection with FDCs, including   * Limitations on the development of FDC * Handling the final attempt letter for Federal records * FDCs and special issue development * FDCs and Vet Center Records * Telephone development and FDC exclusion |
| Time Required | 0.50 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:  The following topic teaching points support the topic objectives:   * Identify FDC development requirements, including notification * Identify special issue development * Identify the type of records VBA is required to request regarding the FDC Program |
| FDC Development Requirements  Slide 21  Handout 10 | Explain to the trainees that although the VA strongly encourages the Veteran to submit any copies of records in question with the claim, the VA MUST develop for certain types of records. These records include:   * Federal tax information as described in M21-1, Part X, Chapter 9, A.1 * Records in the custody of VA Medical Centers * Records that were destroyed by a fire at the National Personnel Records Center (NPRC) in 1973 and * Records in the custody of a Veteran’s Reserve/Guard unit(s) * *VA Form 21-4142/a* when needed to obtain Vet Center Records * Information needed for special issue claims * Clarification made by telephone contact with the claimant, and/or * A VA examination (***NOTE:*** When requesting an examination in connection with an FDC, inform the examining facility that VA is making the request in connection with an FDC, and asking for expeditious handling of the request) |
| Unavailable Federal Records  Slide 22  Handout 10 | Explain to the trainees if the Veteran identifies federal records, and VA is unable to obtain them, we will send the Veteran a notification of the unavailability of those records, with the following paragraph attached:  “We received your claim and your request to participate in the Fully Developed Claim (FDC) Program. Though you indicated you have no other information or evidence to give VA to support your claim, we are required to send you this notice. If you have information or evidence not previously submitted to VA that supports your claim, we recommend you submit it. As a reminder, if you submit any additional information or evidence at this point, VA will remove your claim from the FDC Program Expedited Process and process it in the Standard Claim Process.”  M21-1, Part III, Subpart iii, 1.C.2.d |
| FDC and Special Issue Development  Slide 23-25  Handout 11 | There are a number of special issues which often require a development letter to the claimant when evidence is not sufficient to establish exposure or other factors related to the special nature of the issues claims. These include claims related to the following:   * herbicide exposure * asbestos exposure * ionizing radiation exposure * environmental hazard exposure (Gulf War) * hepatitis C * fire-related STRs   Military Sexual Trauma (MST), or (special handing)   * homelessness (for priority processing purposes)   In these cases, FDC exclusion is **NOT** appropriate at CEST as there was no prior notice to the claimant to provide the additional information/evidence necessary to develop and adjudicate the claim.  However, **do not** send a development letter if the evidence of record provides the information the letter solicits, or the evidence of record is otherwise sufficient to decide the claim.    ***Example***: A Veteran claiming hepatitis C submits medical records that address risk factors for the disease. Do not send a letter soliciting hepatitis C risk factors as this information is addressed by the evidence of record.  In addition, FDC exclusion is not appropriate at CEST when the claimant identifies Vet Center records that require completion of a *VA Form 21-4142/a*, as there is no prior notice to the claimant that these Federal records require a release from.  Additional language for development letters for special issues or Vet Center records development, refer to M21-1, Part III, Subpart I, 3.B.3.g.    **Note*:*** As long as the claimant ***ONLY*** submits the evidence requested and nothing more, the claim will not be excluded from the FDC program.  Also, explain that certain types of claims require special handling such as MST, homelessness, asbestos, etc. and any additional development needed will not be an exclusion from the FDC program. |
| Telephone Development  Slide 26  Handout 11 | Explain to the VSR that making a telephone call to a claimant to clarify information will NOT require exclusion from the FDC program as long as the telephone call can be completed at the time the action is being taken on the claim. Explain that exclusion would be appropriate if:   * the claimant cannot be reached at the time of the action being taken on the claim, and * VA then had to send a letter to the claimant to request the necessary information. |

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| Topic 4: Determining Effective Dates | |
| Introduction | This topic covers information on determining the appropriate effective date for a grant of benefits under the FDC Program to include:   * Applying the provision of Section 506 of Public Law (PL) 112-154 * Explaining FDC effective dates |
| Time Required | 0.50 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Understand how effective dates are determined   The following topic teaching points support the topic objectives:   * Explaining the provision of Section 506 of Public Law (PL) 112-154 and how to apply the FDC effective dates |
| Determining the Appropriate Effective Date  Slide 27  *Handout 12* | VA law allows for several circumstances whereby a Veteran may be assigned an effective date for payment that is earlier than the date VA received the claim. There are several situations in which decision makers must consider for retroactive effective dates, such as   * Original FDCs * Claims filed within one year of discharge * Claims for increase, and * Liberalizing law changes   Explain to the students how each of these categories are considered by Rating Veterans Service Representatives (RVSRs) in determining the appropriate effective date. |
| Public Law 112-154 Section 506  Slide 28  Handout 12 | On August 6, 2012, the President signed a comprehensive legislative package, “Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012,” Public Law 112-154.  Section 506 of this Act amends 38 U.S.C. § 5110 to allow up to a one-year retroactive effective date for awards of disability compensation based on fully-developed **original** claims for compensation received between August 6, 2013, and August 6, 2015.  The purpose of this change is to provide an incentive to Veterans and Veteran Service Organizations (VSOs) to submit fully developed claims. |

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| Eligibility for Retroactive Date  Slide 29  Handout 12 | The eligibility requirements for the one-year retroactive date are:   * The claim must be for compensation (no other types of claims are eligible) * The claim must be **formal and original** (incomplete claims are not eligible for an additional retroactive effective date * The claim must be received on a *VA Form 21-526 EZ* * The claim must be received between August 6, 2013, and August 5, 2015 |

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| Practical Exercise | |
| Time Required | 0.25 hours |
| EXERCISE | Ask if there are any questions about the information presented in the exercise, and then proceed to the Review.  Have the trainees answer the questions at the end of the Handout. Review the answers with the trainees. |
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| Lesson Review, Assessment, and Wrap-up | |
| Introduction  Discuss the following: | The Fully Developed Claims lesson is complete.  Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | 0.25 hours |
| Lesson Objectives | You have completed the Fully Developed Claims lesson.  The trainee should be able to:   * Identify the purpose of the Fully Developed Claim Program (FDC) * Identify the specific forms used in the FDC Program * Identify submission requirements for a complete and incomplete FDC Claim * Identify types of exclusions from the FDC program * Identify FDC development requirements, including notification * Identify the type of records VBA is required to request regarding the FDC Program * Determine Effective Dates utilizing Public Law 112-154 Section 506 requirements as it pertains to the FDC program |
| 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. |