Ancillary Benefits

Instructor Lesson Plan

Time Required: 1 Hour

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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 # | 4185475 |
| Prerequisites | None |
| target audience | The target audience for **Ancillary Benefits** is **RVSRs in Challenge IWT**.  Although this lesson is targeted to teach the **RVSRs in Challenge IWT**, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 1 hour |
| Materials/ TRAINING AIDS | Lesson materials:   * **Ancillary Benefits** PowerPoint Presentation * **Ancillary Benefits** Trainee Handouts * Ancillary Benefits Instructor Guide |
| 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 * Sufficient Trainee computers to access the specific references associated with this lesson.   Trainees require access to the following tools:   * **Compensation and Pension Knowledge Management** |
| 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 Ancillary Benefits | | |
| *Slide 1*  INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | 1 hour |
| Purpose of Lesson  Explain the following: | | This lesson is intended to provide an overview of ancillary benefits available to Veterans and to provide guidance for processing claims involving ancillary benefits. It is an effective complement to the lesson on SMCs K, S, & L, which is taught immediately prior. This lesson will contain discussions and exercises that will allow you to gain a better understanding of:   * Vocational Rehabilitation and Employment * Dependents' Educational Assistance (CH35) * Automobile Allowance and Adaptive Equipment * Specially Adapted Housing and  Special Home Adaptation |
| Lesson Objectives  Discuss the following:  Slide 2  Handout Page 2 | In order to accomplish the purpose of this lesson, the RVSR will be required to accomplish the following lesson objectives.  Given a handout and available references, trainees will be able to accomplish the following with 98% accuracy:   * Define the basic eligibility criteria for ancillary benefits. * Describe which ancillary benefits will be included in rating decisions for specific disability fact patterns.   *Instructors Note: There is no e-case associated with this class.* | |
| Explain the following: | Explain that a Veteran, who claims service-connection for disabilities, may be entitled to additional benefits, which will have to be granted or denied via a Rating Decision. These benefits include Vocational Rehabilitation, Dependents’ Educational Assistance (DEA), Automobile or other conveyance allowance, Specially adapted housing grant and Special housing adaptation grant. | |
| Motivation | Ancillary Benefits do not seem important because the group that they fall into is named for “a subsidiary or auxiliary thing”, but for our Veterans, Ancillary Benefits mean a great deal for improving their quality of life. As we discuss these benefits, you will se how they are important to our Veterans. | |
| STAR Error code(s) | TBD | |
| References  Slides 3-4  Handout <> | Explain where these references are located in the workplace.   * [38 U.S.C. Chapter 21](https://www.law.cornell.edu/uscode/text/38/part-II/chapter-21) Specially Adapted Housing For Disabled Veterans * [38 U.S.C. Chapter 31](https://www.law.cornell.edu/uscode/text/38/part-III/chapter-31) Training and Rehabilitation for Veterans with SC Disabilities * [38 U.S.C. Chapter 35](https://www.law.cornell.edu/uscode/text/38/part-III/chapter-35) Survivors’ and Dependents’ Educational Assistance * [38 CFR 3.807](http://www.ecfr.gov/cgi-bin/text-idx?SID=d261ffde0a654b7b5bfa36bf28e263f6&mc=true&node=se38.1.3_1807&rgn=div8) Dependents' Educational Assistance; certification * [38 CFR 3.808](http://www.ecfr.gov/cgi-bin/text-idx?SID=d261ffde0a654b7b5bfa36bf28e263f6&mc=true&node=se38.1.3_1808&rgn=div8) Automobiles or other conveyances and adaptive equipment; certification. * [38 CFR 3.809](http://www.ecfr.gov/cgi-bin/text-idx?SID=d261ffde0a654b7b5bfa36bf28e263f6&mc=true&node=se38.1.3_1809&rgn=div8) Specially adapted housing under 38 U.S.C. 2101(a)(2)(A)(i) * [38 CFR 3.809a](http://www.ecfr.gov/cgi-bin/text-idx?SID=d261ffde0a654b7b5bfa36bf28e263f6&mc=true&node=se38.1.3_1809a&rgn=div8) Special home adaptation grants under 38 U.S.C. 2101(b) * [38 CFR Part 21](http://www.ecfr.gov/cgi-bin/text-idx?SID=d261ffde0a654b7b5bfa36bf28e263f6&mc=true&node=pt38.2.21&rgn=div5) Vocational Rehabilitation and Education * [M21-1, Part III, Subpart ii, 2.A.](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?portalid=554400000001034)4 Ancillary Benefits * [M21-1, Part III, Subpart iii, 6.C](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?portalid=554400000001034) Department of Veterans Affairs (VA) Education Benefits Under 38 U.S.C. Chapter 35 * [M21-1, Part III, Subpart iv, 6.B.2](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?portalid=554400000001034) Considering Subordinate Issues and Ancillary Benefits * [M21-1, Part IX, Subpart i](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?portalid=554400000001034) Ancillary Benefits | |

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| Topic 1: Vocational Rehabilitation & Employment (VR&E) | |
| Introduction | **Vocational Rehabilitation** ([38 CFR Part 21](http://www.ecfr.gov/cgi-bin/text-idx?SID=d261ffde0a654b7b5bfa36bf28e263f6&mc=true&node=pt38.2.21&rgn=div5)) is a program whose primary function is to help Veterans with service-connected disabilities become suitably employed, maintain employment, or achieve independence in daily living. |
| Vocational Rehabilitation & Employment (VR&E)  Slide 5  Handout Page 4 | Vocational Rehabilitation offers a number of services to help each eligible disabled Veteran reach his or her rehabilitation goal. These services include vocational and personal counseling, education and training, financial aid, job assistance, and, if needed, medical and dental treatment. Services generally last up to 48 months, but they can be extended in certain instances.  Usually, you must first be awarded a monthly VA disability compensation payment. In some cases, you may be eligible if you aren't getting VA compensation. For example, if you are awaiting discharge from the service because of a disability you may be eligible for vocational rehabilitation. |
| Vocational Rehabilitation & Employment (VR&E) Eligibility  Slide 6  Handout Page 4 | ***Eligibility is also based on you meeting the following conditions****:*   * Served on or after September 16, 1940 ***AND***  |  |  | | --- | --- | | **Veteran filed an initial claim…** | **And he/she had/has….** | | *Prior* to November 1, 1990 | * a compensable SC disability evaluated at 10 percent or more, or * entitlement to special monthly compensation (SMC) under [38 U.S.C. 1114(k)](http://law.cornell.edu/uscode/html/uscode38/usc_sec_38_00001114----000-.html) or former subsection [38 U.S.C. 1114(q)](http://law.cornell.edu/uscode/html/uscode38/usc_sec_38_00001114----000-.html).   ***Note***: Entitlement continues for Veterans who established eligibility under one of these criteria. | | Between November 1, 1990, and February 30, 1993 | * an SC disability evaluated at 20 percent or more.   ***Note***: Under this condition, a statutory award under [38 U.S.C. 1114(k)](http://law.cornell.edu/uscode/html/uscode38/usc_sec_38_00001114----000-.html), or former subsection [38 U.S.C. 1114(q)](http://law.cornell.edu/uscode/html/uscode38/usc_sec_38_00001114----000-.html), does *not* meet the 20 percent evaluation requirement. | | **October 1, 1993, or later** | * an SC disability evaluated at 20 percent or more, or * an SC disability evaluated at 10 percent disabling, ***and*** * VR&E determines that the Veteran has a serious employment handicap. |   **EXPLAIN** that if a Servicemember is being separated a Memorandum Rating can be requested to expedite entitlement. Can also be requested by a Veteran as well for the same purpose.  **EXPLAIN** that the Rating Specialist (RVSR) will need to review the Veteran’s service treatment records and complete a Rating Decision either granting or denying the benefit. This Rating Decision only qualifies the Veteran for Vocational Rehabilitation benefits, not compensation. Compensation must be claimed separately. **Also, a memorandum rating is not required when there is a proposed rating decision prepared under the IDES program.**  **Form to be used:**  [**VA Form 28-1900**](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-28-1900-ARE.pdf)*,* Disabled Veterans Application for Vocational Rehabilitation |

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| Topic 2: Dependents' Educational Assistance (CH35) | |
| Introduction | **Dependents' Educational Assistance (CH35)**   * Provides education and training opportunities to eligible dependents of certain Veterans. * The program offers up to 45 months of education benefits. * Effective October 1, 2013 some DEA beneficiaries may be eligible for 81 months of GI Bill benefits if they are eligible for more than one education benefit. |
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| Dependents' Educational Assistance (CH35)  Slide 7  Handout Page 5 | **EXPLAIN** that the Dependents’ Educational Assistance under 38 USC Chapter 35, provides education or special restorative training for eligible dependents or survivors of certain Veterans and service members.  **EXPLAIN** that payment of DEA benefits is administered by the Education Service.  **EXPLAIN** that this is the one ancillary benefits that appears to be overlooked by RVSRs on a consistent basis.  Basic eligibility to DEA is a rating issue if:  •there is a claim for DEA or Chapter 35 benefits  •a beneficiary requests a determination on P&T disability  •an SC total disability (schedular or total disability due to IU) is awarded or confirmed/continued and permanency is also established (to include the determination that a future examination is not warranted)  These benefits must be granted on a Dependency and Indemnity Compensation (DIC) claim even if the benefit had been previously granted under the Veteran’s name. The DIC claimant, if eligible, must receive the Chapter 35 benefits on their own behalf.  **EXPLAIN** that the claimant may receive up to 45 months of education benefits. |
| CH 35 Eligibility Criteria  Slide 8  Handout Page 5 | For there to be basic eligibility to DEA based on the service of a Veteran there must be either   * an other than dishonorable discharge, or * death in service.   In addition there must be any of the following:   * permanent and total (P&T) service-connected (SC) disability * P&T SC disability on the date of the Veteran’s death, or * death resulting from an SC disability.   *Note*: Disability or death under [38 U.S.C. 1151](http://www.law.cornell.edu/uscode/38/1151.html) does *not* establish eligibility  For there to be basic eligibility to DEA based on the service of an active duty member of the Armed Forces, there must be either of the qualifying factors:   * A Servicemember who is hospitalized or receiving outpatient treatment for a service connected permanent and total disability and is likely to be discharged for that disability.   The service member currently has one of the following statuses for a period of more than 90 days:   * Forcibly detained or interned in the line of duty by a foreign Government or power. * Missing in action, or captured in the line of duty by a hostile force |

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| Topic 3: Automobile Allowance and Adaptive Equipment ([38 CFR 3.808](http://www.ecfr.gov/cgi-bin/text-idx?SID=837d1233ac2680a94bac3c85bbb344f5&mc=true&node=se38.1.3_1808&rgn=div8)) | |
| Introduction | A certificate of eligibility for financial assistance in the purchase of a new or used automobile or other conveyance (such as a van, truck, jeep, or station wagon) may be made to a Veteran   * once in his/her lifetime * in an amount not exceeding the amount specified in 38 U.S.C. 3902, and * if the eligibility requirements are met. |
| Automobile Allowance Eligibility Criterial  Slide 9  Handout Page 6 | **EXPLAIN** that to be eligible for the automobile allowance, a Veteran or Serviceperson must have acquired one of the disabilities listed as a result of injury or disease incurred or aggravated during activity military service, or as a result of medical treatment or examination, vocational rehabilitation, or compensated work therapy provide by the Department of Veterans Affairs.  One of the following must exist due to a service connected condition:   * amyotrophic lateral sclerosis (ALS) * Loss or permanent loss of use of one or both feet; * Loss or permanent loss of use of one or both hands; * Permanent impairment of vision of both eyes: Central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20° in the better eye. * Severe burn injury: Deep partial thickness or full thickness burns resulting in scar formation that cause contractures and limit motion of one or more extremities or the trunk and preclude effective operation of an automobile. |
| Automobile Allowance and Adaptive Equipment  Slide 11  Handout Page 6 | Explain that the automobile allowance is not paid directly to the veteran, but rather to the seller of the vehicle. The automobile allowance may be paid under 38 U.S.C. chapter 31 if vocational rehabilitation and employment deems the equipment is necessary.  Form to be used:  [VA Form 21-4502](http://vaww.va.gov/vaforms/Search_action.asp?FormNo=4502&tkey=&Action=Search), Application for Automobile or Other Conveyance and Adaptive Equipment |
| Adaptive Equipment  Slide 11  Handout Page 6 | **EXPLAIN** that a Veteran or Serviceperson who qualifies for the automobile allowance also qualifies for adaptive equipment.  To be eligible to receive *only* adaptive equipment (as opposed to the automobile allowance), the Veteran or serviceperson must be entitled to disability compensation for ankylosis of one or both knees or hips based on the establishment of service connection or entitlement under [38 U.S.C. 1151](https://www.gpo.gov/fdsys/pkg/USCODE-2011-title38/html/USCODE-2011-title38-partII-chap11-subchapVI-sec1151.htm).  The adaptive equipment benefit may be paid more than once, and it may be paid to either the seller or the veteran.  For eligibility to adaptive equipment only:   * Ankylosis of one or both knees or hips due to SC condition or entitlement under [38 U.S.C. 1151](https://www.gpo.gov/fdsys/pkg/USCODE-2011-title38/html/USCODE-2011-title38-partII-chap11-subchapVI-sec1151.htm) |
| Adaptive Equipment  Slide 12  Handout Page 6 | **EXPLAIN** that Adaptive Equipment includes, but is not limited to the equipment listed on slide 12, which are:   * power steering * power brakes * power window lifts * power seats, and * special equipment necessary to assist the eligible person into and out of the automobile or other conveyance   To apply for Adaptive Equipment only, the Servicemember/Veteran would use:  [VA Form 10-1394, Application for Adaptive Equip - Motor Vehicle](http://vaww.va.gov/vaforms/medical/pdf/10-1394-fill.pdf) |

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| Topic 4: Specially Adapted Housing and Special Home Adaptation (38 CFR [3.809](http://162.140.57.127/cgi-bin/text-idx?SID=ce98486ccd066031e24d43a6511604cb&mc=true&node=se38.1.3_1809&rgn=div8), [3.809a](http://162.140.57.127/cgi-bin/text-idx?SID=ce98486ccd066031e24d43a6511604cb&mc=true&node=se38.1.3_1809a&rgn=div8)) | |
| Specially Adapted Housing and Special Home Adaptation General Information  Slide 15  Handout Page 7 | EXPLAIN that to be eligible for Specially Adapted Housing Grant (SAH), the Veteran or Servicemember must be permanently disabled from one of the qualifying conditions which are the result of injury or disease.  EXPLAIN that these qualifying conditions include:   * incurred in active military service * aggravated during active military service, or * established under 38 U.S.C. 1151   **General information:**  SAH grant basic entitlement:  An eligible person may receive a grant of not more than 50 percent of the cost of a specially adapted house, up to the total maximum allowable by law.  SHA grant basic entitlement:  An eligible person may receive a grant for the actual cost to adapt a house or for the appraised market value of necessary adapted features already in a house when it was purchased, up to the total maximum allowable by law.  ***Note:*** Under 38 U.S.C. 2102(d), a claimant may receive up to three awards of SAH or SHA benefits, as long as the total amount received does not exceed the statutory amount of entitlement.  EXPLAIN reduction of benefits due to Tort judgment or settlement:  SAH or SHA benefits must be reduced by an offset amount in cases where a judgment or settlement or tort claim has been granted under 38 USC 1151. |
| Specially Adapted Housing Qualifying Conditions  Slide 16  Handout Page 7 | * **EXPLAIN** the qualifying conditions for SAH include any of the following: * amyotrophic lateral sclerosis (ALS) * The loss or loss of use of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, * Blindness in both eyes, having only light perception, plus the anatomical loss or loss of use of one lower extremity, * The loss or loss of use of one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, * The loss or loss of use of one lower extremity together with the loss or loss of use of one upper extremity which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, * The loss or loss of use of both upper extremities such as to preclude use of the arms at or above the elbow, or * Full thickness or subdermal burns that have resulted in contractures with limitation of motion of two or more extremities or of at least one extremity and the trunk * IF ASKED: “Preclude locomotion” means the necessity for regular, constant use of a wheelchair, braces, crutches or canes as a normal mode of locomotion although occasional locomotion by other methods may be possible. |
| Special Home Adaptation Qualifying Conditions  Slide 18  Handout Page 8 | EXPLAIN the qualifying conditions for SHA include any of the following after VA has rated the disability as permanently and totally disabling and it:   * Includes the anatomical loss or loss of use of both hands; * Is due to deep partial thickness burns that have resulted in contracture(s) with limitation of motion of two or more extremities or of at least one extremity and the trunk; * Is due to full thickness or subdermal burns that have resulted in contracture(s) with limitation of motion of one or more extremities or the trunk; or * Is due to residuals of an inhalation injury (including, but not limited to, pulmonary fibrosis, asthma, and chronic obstructive pulmonary disease). * The disability is due to blindness in both eyes, having central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens. For the purposes of this paragraph, an eye with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less. The disability discussed in this paragraph need not be rated as permanently and totally disabling.   ***Note:*** Eligibility only exists for SHA if the claimant is not entitled to, and has not previously received, SAH.  ***Note:*** Qualification for SHA based on a respiratory disorder requires more than a showing of permanent and total disability from a respiratory diagnosis such as pulmonary fibrosis, asthma or COPD. The diagnosis must have resulted from an inhalational injury caused by breathing steam or toxic fumes, gases and mists present in a fire environment (including, but not limited to, acrolein, chlorine, phosgene, and nitrogen dioxide). |
| Forms To Be Used  Slide 20  Handout Page 7 | [**VA Form 26-4555**](http://vaww.va.gov/vaforms/Search_action.asp?FormNo=26-4555&tkey=&Action=Searchhttp://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-26-4555-ARE.pdf), Veterans Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant |

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| Lesson Review, Assessment, and Wrap-up Whiteboard Review | |
| Time Required | .2 hours |
| EXERCISE | **DISPLAY** a Whiteboard and introduce the following scenario for the purposes of review. The scenario is also available in their handout on page 9.  **A Veteran served honorably in the Marines from 04-03-1999 to 06-04-2010. He filed a claim for residuals of an IED explosion on 10-03-2010.**  **Service treatment records show the Veteran suffered a spinal injury that left him with loss of use of both feet during a motor vehicle accident after hitting a land mine in October of 2008 while serving in Iraq.**  **During the VA examination, the examiner found complete paralysis of both lower legs below the knees. Natural knee action is weakened and the Veteran requires a wheelchair due to the condition.**  **The final diagnosis was residuals of IED explosion with paralysis of both lower legs below the knees.**  **It has been determined that the Veteran should be granted a 100 percent disability evaluation under diagnostic code 5110.**  **What other benefits is this Veteran entitled to in addition to the 100 percent disability evaluation?**  **Also, what effective date would be assigned for the 100 percent evaluation and any other benefits he may be entitled to under current regulations?** |
|  | **ACKNOWLEDGE** trainee responses with Annotation Tools.  **EXPLAIN** that the Veteran, due to the loss of use of his bilateral feet, **would be awarded entitlement to Dependents’ Educational Assistance (DEA), automobile allowance, and specially adapted housing. He would also receive SMC at the (L) level, as discussed previously this same day.**  **The effective date of all such benefits would be June 5, 2010, one day following discharge from active duty.**  Ask if there are any questions about the information presented in the exercise.  ***Instructors Note: There is no e-case associated with this class.*** |