Apportionments for Compensation

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 # | 4189264 |
| Prerequisites | Prior to this lesson, the Veteran Service Representatives (VSRs) should have completed VSR Challenge training. |
| target audience | The target audience for Apportionments for Compensation is VSR, Intermediate or Journey Level.  Although this lesson is targeted to teach the VSR, Intermediate or Journey 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:   * Apportionments for Compensation PowerPoint Presentation * Apportionments for Compensation Trainee 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, 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 * Compensation Service Intranet Home Page * VSR Assistant – Resources |
| 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 easel 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 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 easel chart and the associated markers are available. * You will complete a roll call attendance sheet or provide a sign-in sheet to the students. The attendance records are forwarded to the Regional Office Training Managers. |

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| Introduction to Apportionments for Compensation | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure all learners have the required handouts |
| time required | | 0.25 hours |
| Purpose of Lesson  Explain the following: | | This lesson is intended to introduce VSRs to the complex apportionment process. It will provide an understanding of the rules and regulations pertaining to apportionments as well as the process of deciding, entering award information, and notifying the Veteran and claimant. This lesson will contain discussions and exercises that will allow the trainee to gain a better understanding of:   * Basic Principles (pertaining to apportionments) * Processing Claims for Apportionment, Including Proper EP Control. * Deciding an Apportionment Claim and Providing Notification * Inputting the Award Information for an Apportionment |
| 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.  The VSRwill be able to:   * Locate and review the regulations that dictate how VA decides apportionment claims * Accurately establish a claim for an apportionment in the system * Interpret and follow proper notification and development procedures in order to obtain all information and evidence needed to decide an apportionment claim * Evaluate evidence received and of record to determine a claimant’s entitlement to an apportionment in accordance with laws and regulations * Prepare and implement the process of granting, adjusting, and discontinuing an apportionment in VA awards systems | |
| Explain the following: | Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed. | |

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| Motivation | Explain to trainees that under certain circumstances, VA may apportion any part or all of a Veteran’s disability compensation to their dependent(s), or to the guardian of their dependent(s), for their support.  A claim for an apportionment is a “contested” claim, which means a favorable decision to one claimant requires the denial of a claim from a separate claimant, or payment of a lesser benefit to a separate claimant. Additionally, one claimant may contest the other claimant’s entitlement to, or payment of, benefits.  In some cases, claims for apportionment involve financial need or hardship. Therefore, it is imperative these claims are processed timely and accurately. Due to the nature of contested claims, our duty to assist all claimants and the potential for any outcome to negatively impact either party, we must look at these cases with a fair and objective mind to decide the best interests of all parties involved.  Although there are several circumstances under which an apportionment of compensation may be authorized, this lesson will focus specifically on apportionments granted under 38 CFR 3.450(a)(1)(ii) and 38 CFR 3.451. **Advise trainees that apportionments due to incarceration of a Veteran under 38 CFR 3.664(e) are discussed in the Incarceration Adjustments lesson.** |
| STAR Error code(s) | Tasks 1, 6, 7, 9, 10 |
| References  Slide 3  Handout 3 | Explain where these references are located in the workplace.  All M21-1 references are found in the [Compensation and Pension Knowledge Management (CPKM) Portal](https://vaww.compensation.pension.km.va.gov/).   * [38 U.S.C. 5307,](https://www.law.cornell.edu/uscode/text/38/5307) Apportionment of benefits * [38 U.S.C. 5502(d)](https://www.law.cornell.edu/uscode/text/38/5502), Payments to and supervision of fiduciaries * [38 U.S.C. 5503](https://www.law.cornell.edu/uscode/text/38/5503), Hospitalized Veterans and estates of incompetent institutionalized Veterans * [38 U.S.C 6103](https://www.law.cornell.edu/uscode/text/38/6103), Forfeiture for fraud * [38 U.S.C 6104](https://www.law.cornell.edu/uscode/text/38/6104), Forfeiture for treason * [38 CFR 3.450](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3f4352d460d2655b7b9f6f5d35a3974&mc=true&node=se38.1.3_1450&rgn=div8), Apportionment – General * [38 CFR 3.451](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3f4352d460d2655b7b9f6f5d35a3974&mc=true&node=se38.1.3_1451&rgn=div8), Special Apportionments * [38 CFR 3.452](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3f4352d460d2655b7b9f6f5d35a3974&mc=true&node=se38.1.3_1452&rgn=div8), Situations when benefits may be apportioned * [38 CFR 3.453](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3f4352d460d2655b7b9f6f5d35a3974&mc=true&node=se38.1.3_1453&rgn=div8), Veterans compensation or service pension or retirement pay * [38 CFR 3.458](http://www.ecfr.gov/cgi-bin/text-idx?SID=b3f4352d460d2655b7b9f6f5d35a3974&mc=true&node=se38.1.3_1458&rgn=div8), Veteran’s benefits not apportionable * [M21-1, Part III, Subpart ii, 5. A](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014136%2FM21-1-Part-III-Subpart-ii-Chapter-5-Section-A-Jurisdiction-Over-Claims-Folders),Jurisdiction Over Claims Folders * [M21-1, Part III, Subpart v, 3. A](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014232%2FM21-1-Part-III-Subpart-v-Chapter-3-Section-A-Apportionment-Process), Apportionment Process * [M21-1, Part III, Subpart v, 3. B](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014233%2FM21-1-Part-III-Subpart-v-Chapter-3-Section-B-Adjusting-Apportioned-Awards), Adjusting Apportioned Award * [VSR Assistant Resources](http://epss.vba.va.gov/vsr_assistant/resource_index.html) – Adverse Action Calculator * [VBMS-A User Guide](https://www.vbms.vba.va.gov/awards/webapp/secure/home?executeTime=0) (Log in, then click on Awards Help) |

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| Topic 1: Basic Principles of Apportionments | |
| Introduction | This topic will allow the trainee to become familiar with the rules and regulations that dictate how VA processes claims for an apportionment of disability compensation to a Veteran’s dependent(s). |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Locate and review the regulations that dictate how VA decides apportionment claims   The following topic teaching points support the topic objectives:   * Apportionment of a Veteran’s Benefits * Who May Receive an Apportionment of a Veteran’s Disability Compensation * Criteria for Granting a Claim for an Apportionment * Circumstances Under Which VA May Not Apportion a Veteran’s Benefits (i.e. a bar to entitlement exists) |
| Claims for an Apportionment of a Veteran’s Benefits  Slide 4  Handout 4 | Explain that 38 U.S.C. 5307 permits the VA to apportion all or any part of a Veteran’s compensation benefits to their dependent(s) under certain circumstances.  In compensation claims, a claim for apportionment must be submitted by a dependent of the Veteran, or on the dependent’s behalf, such as in the case of a minor child.  VA will not apportion benefits to a dependent as a convenience to the Veteran as 38 CFR 3.106 specifically prohibits the Veteran from renouncing a portion of their benefits so that VA may allocate them to another person.  ***Important:*** Advise trainees that a request for garnishment of compensation for a Veteran entitled to military retirement pay is *not* *to be confused* with a request for an apportionment of compensation benefits. Explain that there is no prescribed form for a request for garnishment and these requests are often accompanied by a court order for child or spousal support. Refer trainees to [M21-1 III.v.3.D](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000020136/M21-1-Part-III-Subpart-v-Chapter-3-Section-D-Garnishment-of-Disability-Compensation-in-Lieu-of-Military-Retired-Pay-MRP-to-Pay-Alimony-or-Child-Support#1) for more information on garnishment requests and how to process them. |
| Who May Receive an Apportionment of a Veteran’s Benefits  Slide 5  Handout 4 | An apportionment may be paid to or for a Veteran’s   * estranged spouse * child that is in an estranged or former spouse’s custody * child that is not living with the Veteran or the Veteran’s surviving spouse, or * dependent parent.   *Note:* Explain that dependents do not need to be on the Veteran’s award to receive an apportionment, as long as the legal relationship to the Veteran is properly established. To add the dependent to the Veteran’s award, the Veteran must submit the appropriate claim form to add the dependent. |
| Criteria for Granting a Claim for an Apportionment  *Slide 6*  *Handout 4-5* | Explain that 38 CFR 3.450(a)(1)(ii) permits apportionment of compensation to a Veteran’s dependent spouse and/or children provided:   * The claimant does not reside with the Veteran, and * The Veteran is not providing a reasonable level of support to the claimant.   Explain that 38 CFR 3.451 permits the special apportionment of compensation to a Veteran’s dependents provided:   * The claimant does not reside with the Veteran, * Financial hardship on the part of the claimant is shown, and * Apportionment will not cause undue hardship on the Veteran and their other dependents.   Explain that 38 CFR 3.450 and 3.451 are not mutually exclusive – claims processors should consider whether an apportionment is authorized under either of these regulations and differentiate between the criteria associated with the regulation authorizing the apportionment in the case.  For example, an apportionment may be authorized under 3.450 because the Veteran is not providing reasonable support for the claimant regardless of whether the claimant has financial hardship, or need of the apportionment, or whether it will cause undue hardship to the Veteran or their other dependents.  Conversely, if an apportionment may not be authorized under 3.450 because the Veteran is providing reasonable support for the claimant, a special apportionment may still be warranted under 3.451 if the claimant shows financial hardship, or need of one, and it would not cause an undue hardship to the Veteran or their dependents. |
| Circumstances Under Which VA May Not Apportion a Veteran’s Benefits  Slide 7  *Handout* 5-7 | Discuss the circumstances under which 38 CFR 3.458 prohibits the apportioning of a Veteran’s benefits:   * Total benefit payable not a reasonable amount * Spouse found guilty of conjugal infidelity (by court) * Spouse has lived with another person and held themselves out as married * Child has been legally adopted by another person     Emphasize to the trainees that if any of the above apply, a “bar to the apportionment exists.”  *Note:* Refer to M21-1 III.v.3.A.1.k regarding restrictions on concurrent payments of certain education benefits and apportioned benefits. |

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| Topic 2: Actions That Precede a Decision on an Apportionment Claim | |
| Introduction | This topic will allow the trainee to properly establish end products (EPs) for an apportionment claim. It will also teach the trainee how to develop for required information/evidence from the Veteran and/or claimant. |
| Time Required | 0.5 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Accurately establish a claim for an apportionment in the system * Interpret and follow proper notification and development procedures in order to obtain all   The following topic teaching points support the topic objectives:   * Prescribed Form in Claims for Apportionment * Initial Steps in Processing an Apportionment Claim * Interim Withholding Award |
| Required Form in Claims for Apportionment  Slide 8  *Handout 8* | As of March 24, 2015, a claim for an apportionment must be submitted on VA Form 21-0788, *Information Regarding Apportionment of Veteran’s Award.* Claims received on anything other than this form must be treated as a Request for Application.  VA Form 21-0788 provides decision makers with:   * the amount of monetary support the Veteran is providing to the claimant, if any, and * information about the net worth and monthly income and expenses of the   + Veteran   + claimant, and   + claimant’s custodian, if applicable. |
| Initial Steps in Processing an Apportionment Claim  Slide 9  Handout 8 | Explain that claims for apportionment of compensation are controlled with EP 130 – *Apportionment*. The EP should be established under the appropriate payee code that corresponds with the type of dependent claiming the apportionment. For example, the payee code for a claimant spouse is 10 and for a first child is 11. Advise trainees that there may be multiple 130 EPs pending simultaneously if a claim for an apportionment has been submitted by more than one claimant.  Refer trainees to M21-1 III.ii.3.D.3.b and c for instructions on how to establish the EP and M21-4 Appendix A, Topic 2 *Payee Codes* for a list of additional payee codes.  Claims processors must determine whether a bar to the claimed apportionment exists. If so, they must deny the claim without undertaking further development and notify the claimant.  If there is no bar to the apportionment, advise trainees that apportionments under 38 CFR 3.450 and 3.451 require due process to the Veteran. Therefore, claims processors must establish EP 600 - *Apportionment Due Process* with a payee code of 00 and a suspense date that expires 65 days in the future, estimate the amount of benefits to be apportioned to the claimant and send the Veteran a notice of proposed adverse action.  ***Note:***Do not immediately deny a claim for apportionment *solely* because the Veteran has only a 10- or 20-percent disability rating. The income and expenses of the claimant and the Veteran must be considered to determine whether or not an apportionment might be in order. |
| Estimating the Amount of Benefits VA Should Withhold for an Apportionment  *Slide 10*  *Handout 9* | Advise trainees that prior to sending the notice of proposed adverse action to the Veteran, claims processors must estimate the amount of benefits VA should apportion to the claimant.  Claims processors must make the estimate absent of additional evidence or information from the claimant and/or Veteran.  When making the estimate, claims processors must:   * consider the additional amount VA pays the Veteran for dependents * VA ordinarily apportions between 20 to 50 percent of the Veteran’s benefits in the above circumstances * bear in mind that when making a final decision on an apportionment claim, claims processors may only apportion an amount that is *equal to or less than* the estimated amount. They may *not* apportion a greater amount without   + issuing another notice of proposed adverse action to the Veteran, and   + allowing the Veteran an additional 65 days to respond. * the amount should be rounded to an even dollar amount (no cents) |
| Issuing Notice of a Proposed Adverse Action  *Slide 11*  *Handout 9* | Use the Letter Creator tool to prepare the notice of proposed adverse action for the Veteran. The notice should inform the Veteran of the following:   * the pending claim for an apportionment of their benefits * the proposed amount and effective date of any interim withholding * of the statutory authority for granting an apportionment (38 U.S.C. 5307) * the effective date from which VA proposes to commence the apportionment (this will be discussed later), and * that their award will be reduced by the monthly amount of the apportionment VA authorizes.   The proposed notice of adverse action should also ask the Veteran to:   * complete and return VA Form 21-0788, and * respond within 60 days, after which time VA will decide the apportionment claim unless the Veteran provides good cause for extending the time limit for a response.   *Note:* If the provisions 38 CFR 3.450 are for consideration in determining the claimant’s entitlement to an apportionment, also inform the Veteran that if they are not contributing to the claimant’s support, they must provide VA with an explanation for not doing so. |
| Undertaking Development to the Claimant  *Slide 12*  *Handout 9-10* | Most of the information required to make determinations in claims for apportionments is contained on the prescribed form, VA Form 21-0788. However, there may be specific situations when additional evidence or information is needed from a claimant to make an equitable decision.  In these situations, prepare and send to the claimant a development letter that:   * asks the claimant to provide the missing evidence or information within 30 days, and * informs the claimant VA will make a decision based on the evidence of record after the 30-day response period has passed, unless he/she provides good cause for extending the time limit for a response.   Development to the claimant should be completed simultaneously with the due process notification to the Veteran. |
| Establish the Estimated Withholding  Slide 13  *Handout 10* | Explain that once due process has been sent to the Veteran, claims processors must also amend the Veteran’s award by establishing a withholding of the estimated amount of the apportionment beginning the first of the month following the expiration of due process to continue indefinitely. This action will help reduce the amount of the overpayment of benefits if and when the apportionment is eventually granted.  Review the steps for establishing a withholding under EP 600 – *Apportionment Due Process* with the trainees.  Advise the trainees that the authorizer must continue the EP at authorization to continue tracking the pending due process. |
| DEMONSTRATION | Demonstrate the notice of proposed adverse action VA uses and an award that establishes an interim withholding. |

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| Topic 3: Making an Apportionment Decision | |
| Introduction | This topic will allow the trainee to determine when to grant or deny an apportionment, as well as know the required form to use to document the decision, how to assign an effective date when granting an apportionment and understand notification requirements. |
| Time Required | 0.5 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Evaluate evidence received and of record to determine a claimant’s entitlement to an apportionment in accordance with laws and regulations * Select appropriate effective dates when granting an apportionment * Prepare decision notices for the Veteran and claimant   The following topic teaching points support the topic objectives:   * Actions to Take After Claimant’s 30-day Response Period Expires * Determining the Amount to Apportion (Grants) * VA Form 21-441, *Special Apportionment Decision* * Effective Dates for Apportionment Grants * Reasons to Deny an Apportionment * Notification of the Decision * The Effect of Offsets/Withholdings on Claims for an Apportionment |
| Using Information VA Form 21-0788 Provides When Deciding a Claim  Slide 14  *Handout 11* | Consider the income and expenses the Veteran and claimant (and the claimant’s custodian, if applicable) individually report on VA Form 21-0788 when determining:   * whether an apportionment would create a financial hardship on the Veteran and his/her dependent(s) [38 CFR 3.451], * whether the claimant has a financial need for the apportionment [38 CFR 3.451, 3.454(b), or 3.665(e)] and * the amount of benefits VA should apportion.   Advise trainees that there may be exceptions to the above rules, such as when a Veteran is incarcerated. Trainees should always follow regulations and procedures specific to the circumstances under which the apportionment is claimed.  ***Note:*** Explain that VA normally accepts as credible and accurate the entries claimants and beneficiaries make on VA Form 21-0788. However, if a claimant or Veteran reports, for example, an expense that is clearly inflated, claims processors may request documentary proof of the expense from the claimant or Veteran. |
| Actions to Take Following Expiration of the Claimant’s 30-Day Response Period  Slide 15  *Handout 11-12* | The table in M21-1 III.v.3.A.3.b describes   * circumstances that may exist at the end of the 30-day period VA gives claimants to respond to a request for additional evidence/information, and * the actions the claims processors must take under those circumstances.   Discuss the content of the table with the trainees. When a decision can be made, claims processors must:   * It is not always necessary to wait 65 days before making a decision (see the first row of the table). * It is not always necessary to document the decision on VAF 21-441 (see the first row of the table). Refer trainees to their lesson Handout to see the table. |
| Determining the Amount of the Apportionment  Slide 16  Handout 13 | If entitlement to the apportionment was granted under the provisions of 38 CFR 3.450 or 3.451, claims processors must determine the amount of disability compensation to apportion under the provisions of 38 CFR 3.451.  Advise trainees to consider the following factors when determining the amount of the apportionment:   * The amount of VA benefits payable to the Veteran * Other resources and income of the Veteran and the dependent/claimant * Special needs of the Veteran and/or their dependents * The amount apportioned should generally be consistent with the total number of dependents involved * Ordinarily, apportion between 20- and 50- percent of the Veteran’s benefits   As previously mentioned, claims processors should also choose an even dollar amount (no cents) when determining the overall amount of the apportionment.  Refer trainees to 38 CFR 3.665(e)(1) when determining entitlement to an apportionment for dependents of an incarcerated Veteran or 38 CFR 3.452(c)(1) of an incompetent Veteran institutionalized at government expense and a fiduciary has *not* been appointed. |
| VA Form 21-441, *Special Apportionment Decision*  Slide 17  Handout 13 | Explain that most apportionment decisions, both favorable and unfavorable, must be documented on VA Form 21-441.  ***Exceptions:*** VA Form 21-441 is not required in decisions where:   * the Veteran asserts a child for whom an apportionment has been claimed does not meet the definition of “child” under [38 CFR 3.57](http://www.ecfr.gov/cgi-bin/text-idx?SID=d9789ea05df0b943f14e6129f4f94085&node=se38.1.3_157&rgn=div8). * a legal bar to the apportionment exists, or * grant or denial based on an incompetent Veteran (without a fiduciary) that is institutionalized at the Government’s expense.   ***Important:*** Do *not* attach a copy of the VA Form 21-441 to decision notices for the Veteran and claimant.  Refer trainees to M21-1 III.v.3.A.3.g – *Preparing VA Form 21-411 for a Favorable or Unfavorable Apportionment Decision* for more specific instructions regarding decision documentation. |
| Determining the Effective Date of an Apportionment  Slide 18  Handout 14-15 | Explain that, generally, apportionment claims are received after a Veteran has already been granted entitlement to VA benefits and there is a running award. In these cases, the effective date of an apportionment is the first of the month following the date the claim was received.  If the claim for the apportionment was received prior to or with the Veteran’s original claim for benefits, the effective date of the apportionment is based on “facts found,” which may be the same effective date as that of the Veteran’s award.  Remind trainees that if the granted apportionment amount is greater than the amount originally withheld from the Veteran, claims processors must send another notice of proposed adverse action covering the additional amount and the appropriate effective date.  Advise trainees that in rare situations where the Veteran’s payments were interrupted, the effective date is based on the date of last payment provided the claim for the apportionment was received within one year of that date [38 CFR 3.400(e)]. |
| Effect of an Offset or Withholding of a Veteran’s Award on a Claim for Apportionment  Slide 19  *Handout 15* | Explain that in some cases, a Veteran’s award must be offset under [38 U.S.C. 1151](http://www.law.cornell.edu/uscode/text/38/1151) or withheld to recoup separation benefits the Veteran received.  Discuss the effects of offsets or withholdings on claims for apportionments when:   * Entire award is offset or withheld (M21-1 III.v.3.A.4.b) * Part of the award is offset or withheld (M21-1 III.v.3.A.4.c) |
| DEMONSTRATION | Demonstrate how to complete VA Form 21-441. |

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| Topic 4: Inputting the Award Information & Providing Notification | | |
| Introduction | This topic will allow the trainee to input award information into VA awards systems when granting, adjusting, or discontinuing an apportionment. | |
| Time Required | 0.25 hours | |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Prepare and implement the process of granting, adjusting, and discontinuing an apportionment in VA awards systems   The following topic teaching points support the topic objectives:   * Granting the Apportionment * Discontinuing the Apportionment * Notifying the Veteran and Claimant of the Apportionment Decision | |
| Granting the Apportionment  Slide 20  Handout 16 | Refer trainees to the Veterans Benefits Management System - Awards (VBMS-A) User Guide for step-by-step instructions on how to input an apportionment award. Discuss the steps displayed on the slide and in the lesson Handout – discuss the steps that would be taken to discontinue an apportionment as well.  Remind trainees they will need to remove the “other adjustment” withholding decision that was previously entered for the interim withholding during the period of due process. | |
| Discontinuing the Apportionment  *Slide 21*  *Handout 16-17* | Discuss the various reasons provided in the table in M21-1 III.v.3.B.1.d as to why an apportionment may need to be discontinued. Review the steps of how to discontinue an apportionment in VBMS-A. | |
| Notifying the Veteran and Claimant of the Apportionment Decision  Slide 22  *Handout 15* | Advise trainees that the decision notice should be generated in VBMS-A if possible. Otherwise, claims processors may need to revert to Personal Computer Generated Letters (PCGL).  Discuss the required contents of the decision notices to both the claimant and the Veteran:   * the effective date of payment, if granted * the amount of the apportionment, if granted * the reasons for the decision * the evidence used to make the decision * their rights to representation, and * the right to appeal the decision to the Board of Veterans Appeals (BVA) within 60 days from the date of the decision notice – attach VA Form 20-0998, *Your Rights to Seek Further Review of Our Decision*.   Explain that in most cases, claims processors will be notifying both the claimant *and* the Veteran of the outcome of the apportionment claim. However, if the claim for apportionment is denied and due process notification was *not* previously sent to the Veteran, then there is no requirement to notify the Veteran of the denial.  ***Important:*** Advise trainees that if the apportionment is granted for a minor child, the claimant must also be informed that the apportionment will automatically end when the child turns 18 and at that point in time, if the child wishes to continue receiving the apportionment, they must submit a claim using VA Form 21-0788 and certify their school attendance using VA Form 21-674.  Explain that decision notices communicating the outcome of a contested claim, such as for an apportionment, need *not* discuss:   * findings found favorable to the claimant, or * elements required to grant the claim that were not met. | |
| DEMONSTRATION | Demonstrate how to input the award information in VBMS-A and generate the decision notice. | |
| 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 | |
| Practical Exercise | |
| Time Required | 0.5 hours |
| EXERCISE | Have the trainees turn to pg. 19 of the trainee handout. Allow approximately 15 minutes for them to complete the questions.  Ask if there are any questions about the information presented in the exercise and then proceed to the Review, Assessment, and Wrap-up. |
| Practical Exercise | Once the trainees complete the questions, review the answers and ask if there are any additional questions. |

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| Lesson Review, Assessment, and Wrap-up | |
| Introduction  Discuss the following: | The Apportionments for Compensation lesson is complete.  Review each teaching point and ask the trainees for any questions or comments. |
| Time Required | 0.25 hours |
| Lesson Objectives  *Slide 23* | In summation, the trainees learned:   * VA may apportion a Veteran’s compensation to one or more dependent(s) under certain circumstances * Apportionment claims are controlled with EP 130 and a dependent payee code – EP 600 is used to control for a response from the Veteran to the notice of proposed adverse action * Development to the claimant and/or the Veteran may be needed for additional information or evidence (beyond what VA Form 21-0788 requires) to justify the apportionment * In most cases, claims processors must send a notice of proposed adverse action to the Veteran and establish an interim benefit withholding * Claims processors must document most entitlement determinations regarding apportionment claims on VA Form 21-0441 * When a claims processor [the actor] decides to grant an apportionment claim, he/she must adjust the Veteran’s award in VBMS-A and notify the claimant and Veteran of the 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. |