Education Service

Administrative Error Procedures

Lesson Plan



October 2017

Version 1.0

Lesson Overview

| Topic | Description |
| --- | --- |
| Time Estimate: | 1.5 hours (includes time for assessment) |
| Purpose of the Lesson: | The purpose of this lesson is to provide the Veterans Claims Examiner (VCE) with the knowledge to properly identify and process administrative errors.  This lesson is part of the National Training Curriculum, and is intended to serve as refresher training for experienced Veteran Claims Examiners. |
| Prerequisite Training Requirements: | None |
| Target Audience: | This lesson is for entry-level, intermediate, or journey-level employees. This training is mandated and may be used for refresher training as necessary. |
| Lesson References: | * [38 CFR 21.4135 (p) (2)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=00468f5ee9dc8a5bc0e641896ae88bb4&ty=HTML&h=L&mc=true&r=SECTION&n=se38.2.21_14135) * [38 CFR 21.9635 (r) (1 - 2)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=00468f5ee9dc8a5bc0e641896ae88bb4&ty=HTML&h=L&mc=true&r=SECTION&n=se38.2.21_19635) * [38 CFR 21.7135 (v) (2)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=00468f5ee9dc8a5bc0e641896ae88bb4&ty=HTML&h=L&mc=true&r=SECTION&n=se38.2.21_17135) * [38 CFR 21.7635 (q) (2)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=00468f5ee9dc8a5bc0e641896ae88bb4&ty=HTML&h=L&mc=true&r=SECTION&n=se38.2.21_17635) * [M22-4 – Part III – Chapter 2](http://vbaw.vba.va.gov/bl/22/ref/m22-4/Part%20III/ch02.htm) |
| Lesson Objectives: | At the end of this lesson, you will be able to:   * Identify conditions where an Administrative Error applies * Prepare an Administrative Error |
| What You Need: | Reserve adequate space equipped to project PowerPoint presentation. Have markers and easels stands with paper, to capture discussion comments. Provide copies of handouts in advance of the lesson or provide directions on how to print from saved location with training advertisement, refer to lesson plan and have a subject matter expert (SME) available if primary presenter is not an SME to assist with answering questions. Training should be instructor led with a means to ask questions during the training. It may be delivered virtually however, except for make-up sessions, always to live participants. Individuals that view a recorded live session to make-up the training should be provided a POC who is available for questions while the employee is taking the lesson. |
| Post Training Requirements: | Upon completion of the classroom portion of the lesson, participants are required to complete an online lesson assessment and survey in Talent Management System (TMS).  To demonstrate successful completion of the lesson participants must pass the assessment with a score of at least 80%.  Participants must also complete the online survey to earn credit for completion of the lesson. |

Instructor Notes

This lesson will introduce the Veterans Claims Examiner (VCE) to Administrative Errors. It will discuss how to properly identify and process administrative errors.

| PowerPoint Slides | Instructor Activities |
| --- | --- |
|  | **DISPLAY** slide  **INTRODUCE** yourself as the instructor and introduce the lesson. |
|  | **DISPLAY** slide  **STATE the lesson Objectives.** |
|  | **DISPLAY** slide  **STATE that we will begin by going over terminology that applies to administrative errors.** |
|  | **DISPLAY** slide  **READ the definition: “*Administrative errors*** occur when VA pays benefits to a beneficiary in an amount due to actions on the part of VA usually, but not always, due to a misapplication of the law.”  **DISCUSS** that not all errors are administrative errors, normally an administrative error is due to errors in judgement…that could include not adequately verifying information…it may include not thoroughly reviewing an application or other information in the claimant’s file. But the common thread is that the error is on the part of VA or another federal agency…this includes our DoD partners. |
|  | **DISPLAY** slide  **READ the definition and example:**  ***Commission*** occurs when the claimant knowingly takes a wrongful action.  An example includes a claimant who provides false responses to questions on an application.  In other words, the person acts, states or does something that is wrong. |
|  | **DISPLAY** slide  **READ the definition and example:**  ***Omission*** occurs when the claimant has not taken an action or has left something out.  An example includes skipping or not answering questions on an application for benefits.  **COMPARE the difference between Commission and Omission. Note that both may occur.** |
|  | **DISPLAY** slide  **READ the definition and example:**  ***Fraud***is wrongful deception intended to result in financial or personal gain.  It occurs either through a knowing act of commission or omission by the beneficiary.  Example: Documents submitted that appear “doctored” and contradictory may be reason to suspect and refer.  Fraud is uncommon (and serious) but when fraud is suspected, notify the Education Officer through your supervisor immediately for additional instructions. |
|  | **DISPLAY** slide  **DISCUSS the list of common administrative error categories.**   * Service Periods (Creditable/Excluded/Deductible) * Excessive Entitlement * Eligibility * Kickers * Transfer of Entitlement * Program Not Approved   **ASK for other common examples from students. Write them down on a paper easel to revisit later.** |
|  | **DISPLAY** slide  **DISCUSS errors that are not an administrative error.**   * Reporting errors by school or training facility * Failure to notify VA:   + Loss of eligibility for spouse that remarries   + Changes in training   + Returning on active duty   **ASK for other examples from students. Write them down on a paper easel to revisit later.**  **READ the Lesson Tip:** Generally, process as an Administrative Error when an error is the result of actions on the part of VA or another federal agency. |
|  | **DISPLAY** slide  **REVIEW the table. This matrix was created to help visualize eligibility errors. Anytime pertinent information is available from either the claimant or from DoD systems (in other words there is a “Yes” in either of the first two columns), the error should be considered an administrative error. Only when both the claimant and information reported to VA by DoD did not provide pertinent information would the error not be considered an administrative error.**  **Pertinent:** having a clear decisive relevance to the matter in hand.  *Not reporting excluded or obligated periods of service and recent changes to service status are the primary examples of missing pertinent information that apply. Missing entry and skill level training and or incorrect information that has been reported regarding service periods are not examples of “unavailable” information and do result as Administrative Errors.*  **NOTE: It is the responsibility of the VCE to verify conflicting information. Failure to do so places VA at fault.** |
|  | **DISPLAY** slide  **STATE that now we will look at several scenarios and discuss if they should be considered an administrative error.**  **NOTE: As each scenario is reviewed, discuss what either makes it an administrative error or not. Mention if this would be an omission or commission.**  **CAUTION: Maintain control over the discussions but encourage active participation from different participants.** |
|  | **DISPLAY** slide  **READ the information on the slide.**  **DISCUSS and affirm that indicating “no divorce is pending” was a commission on the part of the claimant and would not be an administrative error.** |
|  | **DISPLAY** slide  **READ the information on the slide.**  **DISCUSS and affirm by failing to notifying VA about returning on active duty was an omission on the part of the claimant and would not be an administrative error.**  **CAUTION: Refrain from reading into or adding to this scenario. The next scenario is a variant with a different set of facts.** |
|  | **DISPLAY** slide  **READ the information on the slide.**  **DISCUSS and affirm that the VA had a part in the error. Updated service information was available and not acted upon. This would be an administrative error even though the claimant did not inform the VA was an omission.** |
|  | **DISPLAY** slide  **READ the information on the slide.**  **DISCUSS and affirm that indicating no concerning an obligation under the loan repayment program (LRP) is a commission on the part of the claimant and because information in DoD systems does not indicate an LRP obligation this would not be an administrative error.**  **NOTE: Benefits that continue to be paid in error after DoD system information updates should be considered an administrative error.** |
|  | **DISPLAY** slide  **READ the information on the slide.**  **DISCUSS and affirm that leaving the question unanswered is an omission on the part of the claimant and because information in DoD systems does not indicate a Service Academy obligation this would not be an administrative error.**  **NOTE: In this instance the disabled Veteran would not be eligible for Chapter 33.** |
|  | **DISPLAY** slide  **READ the information on the slide.**  **DISCUSS and affirm that not reporting a reduction in training is an omission on the part of the claimant and because VA had no part in the error this would not be an administrative error.** |
|  | **DISPLAY** slide  **READ the information on the slide.**  **DISCUSS and affirm that although the Veteran’s omission to not notify VA of a mistaken period of service, the information in DoD systems had a part in causing the error. Because another federal agency contributed to the error this would be an administrative error.** |
|  | **DISPLAY** slide  **STATE that now we will discuss how to prepare an Administrative Error.** |
|  | **DISPLAY** slide **20.**  **EXPLAIN that we will need to create a Work Product that indicates an “Administrative Error Pending” in the description. This action must not be delayed as it will suspend scheduled payment and cause the LTS to off-ramp any potential automated claims from issuing improper payments pending the approval. FIST/FAUT running recurring payments as necessary.**  **ADVISE Development may be a necessary first step and must be completed prior to requesting approval. However, immediately update the TIMS file with an appropriately updated Flash message and the Stop Automation message should be updated on the LTS Biography page throughout the process.**  **DISCUSS what will need to be prepared:**   * **Note in TIMS: Identify the error, reason, total amount, (VA or DoD) at fault, initiating VCE/SVCE and date.** * **Audit worksheet or some itemized document with total overpayment payment clearly indicated** * **Draft letter to claimant (INF-2)** * **Written decision *when necessary* (Use** [Admin Error Decision Template](http://vbaw.vba.va.gov/bl/22/ref/m22-4/Part%20III/index.html)**) $20,000 or more for Chapters 33**   **Best Practice: Consult with SVCE or Coach first for advice prior to initiating this process.** |
|  | **DISPLAY** slide **21.**  **EXPLAIN that we will need to update the Benefits Delivery Network (BDN) master record with the End Reason Code “39” which indicates an administrative error. This action must be delayed until the suspected administrative error has been approved. Use an appropriate supplemental end product and the claim date is the date the administrative error is approved.**  **Inactive master records must be reactivated and updated as well. BDN must be updated in virtually all instances unless the error is related to a period of training paid and there has been subsequent training paid correctly at another school or other system limitations prevent updating including adjustments that would temporarily establish a debt to manipulate the system.**  **ADVISE for running awards to use the BDN suspend “SUSP” command under an EP 930 to prevent the accidental release of improper payments pending completion of the approval process. The Image Management System (TIMS) file should have an appropriately updated Flash message and a “Stop” message or appropriate file pull updated to review the folder first by using the BDN correction “CORR” command. Development may be a necessary first step and must be completed prior to requesting approval. However, do not delay preventative measures.** |
| **Continuation for Slide 21** | **DISCUSS what will need to be prepared:**   * **Note in TIMS: Identify the error, reason, total amount, (VA or DoD) at fault, initiating VCE/SVCE and date.** * **Audit worksheet** * **Draft letter to claimant (INF-2)** * **Written decision *when necessary* (Use** [Admin Error Decision Template](http://vbaw.vba.va.gov/bl/22/ref/m22-4/Part%20III/index.html)**) $15,000 or more for Chapters 1606, 1607, and 32 or $20,000 or more for Chapters 30, 33, and 35** |
|  | **DISPLAY** slide **22.**  **READ the information on the slide.** |
|  | **DISPLAY** slide **23**  **READ the information on the slide.** |
|  | **DISPLAY** slide 24.  **STATE that now we will discuss Administrative Error decisions and Tracking.** |
|  | **DISPLAY** slide **25.**  **INFORM students:** All administrative error determinations must be logged on the spreadsheet the Quality Assurance (QA) team has provided to the RPOs. The spreadsheet serves as the internal control.  **DISCUSS your RPO’s local station policy is to ensure that every administrative error is appropriately logged and reported. Remember all admin errors must be recorded even if a decision is NOT prepared.** |
|  | **DISPLAY** slide **26**  **READ over the three tiers for decisions.**  **Less than $15,000 for Chapters 1606, 1607 and 32 do not require a formal written decision. However, the administrative error is not considered approved until the approving Section Chief or higher authority places a note in TIMS that will** include the period covered (beginning and end dates) for the administrative error, approved amount of the administrative error and the reason for the administrative error. |
|  | **DISPLAY** slide **27.**  **READ over the three tiers for decisions.**  **Less than $20,000 for Chapters 30, 33 and 35 do not require a formal written decision. However, the administrative error is not considered approved until the approving Section Chief or higher authority places a note in TIMS that will** include the period covered (beginning and end dates) for the administrative error, approved amount of the administrative error and the reason for the administrative error. |
|  | **DISPLAY** slide **28.**  **READ the information and then the question on the slide.**  **ANSWER: Yes, the total overpaid is over $20,000 which requires a written decision.** |
|  | **DISPLAY** slide **29.**  **READ the question on the slide.**  **ANSWER: Any amount. RPOs must report all administrative errors no matter how small.** |
|  | **DISPLAY** slide **30.**  **STATE that now we will discuss the actions required to Authorize an Approved Administrative Error.**  **NOTE: These steps must be performed by a SVCE or higher authority.** |
|  | **DISPLAY** slide **31.**  **READ the information on the slide.**  **DISCUSS that these are just a few of the primary responsibilities of SVCE reviewing and authorizing the award adjustment for an Approved Administrative Error.**  **NOTE: Entitlement may need to be restored when entitlement is charged entirely based upon the error. However, payment at the wrong rate (i.e. kickers, benefit level, monthly rate…) does not require adjustments. Generally LTS corrections restore entitlement automatically. Non-33 claims are often corrected using the CORR command and adding entitlement to the CUM Restore field after the award has been authorized.** |
|  | **DISPLAY** slide **32.**  **READ the information on the slide.**  **EMPHASIZE the SVCE performs all normal responsibilities for authorizing an award. This includes returning the claim to the VCE for corrections as necessary. The most important item the SVCE must review is the decision. Similar to Big Pay processing, signatures must be on file prior to authorizing the award. Either a complete detailed note in the TIMS folder by the Section Chief (or higher authority) or when a written decision is required, the SVCE has reviewed a copy of the approved decision prior to authorizing. Send the original signed decision to Upstream for scanning into TIMS unless able to capture the document into TIMS using digital signatures.** |
|  | **DISPLAY** slide **33.**  **READ the information on the slide.**  **EMPHASIZE (SAME AS PRIOR SLIDE) the SVCE performs all normal responsibilities for authorizing an award. This includes returning the claim to the VCE for corrections as necessary. The most important item the SVCE must review is the decision. Similar to Big Pay processing, signatures must be on file prior to authorizing the award. Either a complete detailed note in the TIMS folder by the Section Chief (or higher authority) or when a written decision is required, the SVCE has reviewed a copy of the approved decision prior to authorizing. Send the original signed decision to Upstream for scanning into TIMS unless able to capture the document into TIMS using digital signatures.** |
|  | **DISPLAY** slide **34.**  **READ the slide:** |
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|  | **DISPLAY** slide **35.**  **IDENTIFY the lesson references.**  **DISTRIBUTE (if not already) or reference the Administrative Error Regulations Job Aid.** |
|  | **DISPLAY** slide **36.**  **READ the slide:**  **REVIEW anything marked or listed on paper easels during the lesson.** |
|  | **DISPLAY** slide **37.**  **ASK for questions on the topic we’ve just covered.**  ***Refrain from responding at any length to complex questions. Annotate questions and responses. Follow-up as necessary to all students in attendance by email with responses to any unanswered questions and any significant questions asked and answered during the training that were not covered in the training content.*** |
|  | **DISPLAY** slide **38.**  **DISCUSS that to receive credit for this training an assessment and survey will need to be completed in TMS.**  **STRESS how important it is to complete these as soon as possible while the training is fresh.**  ***Be available or have a POC identified and available to answer additional questions after the training and assist with any TMS issues.*** |