Pension and fiduciary service

PMC VSR Advanced Core Course

Phase 5, Part 1(b): Determine Basic Eligibility

Phase 5, Part 1(b) Knowledge Check Preparation

Trainee Guide

August 2021

Phase 5, Part 1(b) Knowledge Check Preparation

Lesson Overview

| Topic | Description |
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| Time Estimate: | 2 hours |
| Purpose of the Knowledge Check preparation: | This Knowledge Check preparation is part of the entry-level curriculum, Core Course for PMC VSRs. The purpose of this Knowledge Check preparation is to get PMC VSRs ready to take the Phase 5, Part 1(b) Knowledge Check.  |
| Prerequisite Training Requirements: | Prior to taking the Phase 5, Part 1(b) Knowledge Check Preparation, trainees must complete PMC VSR Core Course Phase 1–4, and Phase 5.1(a) and 5.1(b). (Refer to the **Master Course Map** learning aid for a list of lessons.) |
| Target Audience: | This Knowledge Check preparation is for entry-level PMC VSRs. |
| References: | * Compensation and Pension Knowledge Management (CPKM)
* M21-1 III.ii.6.A, Establishing Veteran Status
* M21-1 III.ii.6.B, Service Requirements and Verification of Eligibility
* M21-1 III.iii.1.C.1.e, Final Notification to Claimants That VA is Unable to Obtain Relevant Federal Records
* M21-1 III.v.1.B, Statutory Bars to Benefits and Character of Discharge (COD)
* M21-1 V.i.1.2, Service Requirement for Pension Eligibility
* 38 CFR 3.2, Periods of war
* 38 CFR 3.12, Character of discharge
* 38 CFR 3.12a, Minimum active-duty service requirement
* M21-1 III.iii.1.C. Requesting Evidence From federal Record Custodians
* M21-1 V.ii.1.A.1. Evidence of Disability for Veterans Pension Purposes
* M21-1 V.i.2. Original Disability Pension Claims
* M21-1 V.iii.1.G.3.j. Medical Expense Deduction for Nursing Home Fees
* 38 CFR 3.208 Claims Based on Attained Age
* 38 CFR 3.209 Birth
* 38 CFR 3.342 Permanent and Total Disability Ratings for Pension Purposes
* M21-1 VII.i.1.A General Information on Relationship and Dependency
* M21-1.VII.i.2.A Establishing the Validity of a Marriage for Department of Veterans Affairs (VA) Purposes
* M21-1 VII.i.2.B Establishing Common Law Marriages
* M21-1 VII.i.2.C Establishing Other Types of Marriages
* M21-1 VII.i.2.D Establishing Marital Relationship in Survivor Cases
* M21-1 VII.i.2.E Remarriage of a Surviving Spouse
* M21-1 V.i.3.A General Information on Income and Net Worth Development
* M21-1 V.iii.1.F Dependents for Current Law Pension Purposes
* M21-1 VII.i.3.A Establishing a Child’s Age and Relationship
* M21-1 VII.i.3.B Biological Children, Adopted Children, and Stepchildren
* M21-1 VII.ii.1 School Attendance
* M21-1 V.iii.1.E.4.a (General Information on a Surviving Child Entitled to Survivors Pension in His/her Own Right)
* M21-1 III.iii.7 A Child’s Permanent Incapacity for Self-Support
* M21-1 VII.i.4.A Establishing Parental Relationship M21-1 VII.i.4.A.4.b Primary Evidence of a Parental Relationship38 CFR 3.209 (Primary evidence to establish the existence of a relationship between a Veteran and his/her biological parent)
* M21-1 VII.i.3.A.4.c Examples of Acceptable Secondary Evidence- VII.i.3.A.4.a-c
* M21-1 VII.i.4.A.6 Establishing a Foster parent as a Veteran’s Parent for VA Purposes
* M21-1 VII.i.4.A.5.c Considering Impounded Adoption Records
* 38 CFR 3.210 (Parent-child relationships)
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| Technical Competencies: | * Program Benefits and Eligibility (PMC VSR)
* Processing Claims (PMC VSR)
* VBA Applications (PMC VSR)
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| Knowledge Check: | Phase 5, Part 1(b): Determine Basic Eligibility Knowledge Check |
| What You Need: | * Trainee guide
* **Dependency Eligibility Requirements** job aid
* **Dependency Eligibility: Spouse** job aid
* Slides
* Projector
* Access to CPKM
* Access to VSR Assistant
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| PowerPoint Slides | Notes |
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| Phase 5, Part 1(b): Knowledge Check Preparation |  |
| Phase 5, Part 1(b) Lesson Review**This Knowledge Check preparation will consist of the following:*** **Lesson objectives review**
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| ****Phase 5, Part 1(b) Lessons****  |  |
| Establish Veteran Status * Establishing Veteran status is an **extremely** important part of determining basic eligibility.
* **A Veteran’s status is the primary factor in determining basic eligibility for VA benefits.**
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| Establish Veteran Status Objectives* Establish Veteran status
	+ Determine if the Veteran meets length of qualifying service requirements for eligibility.
	+ Determine if the Veteran meets wartime service requirements for eligibility.
	+ Determine if the Veteran meets Character of Discharge (COD) requirements for eligibility.
	+ Determine outcome due to Veteran status.
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| Determine Whether Veteran Meets Presumptive Criteria for P&T DisabilityIf a Veteran meets any one of the following P&T disability criteria, he or she would automatically qualify for the benefit:* Age 65 or older
* A patient in a nursing home for long-term care because of disability
* Disabled, as determined by the Commissioner of Social Security (SS)
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| Determine Whether Veteran Meets Presumptive Criteria for P&T Disability Objectives Determine whether a Veteran meets presumptive criteria for P&T disability:* Define P&T disability.
* Determine if Veteran meets the presumptive criteria to satisfy the requirements for P&T. disability.
* Determine when evidence is required to satisfy P&T disability.
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| Determine Dependency Eligibility: SpouseEstablishing an individual’s relationship to a Veteran is critical when determining benefits because:* VA may pay additional pension benefits based on dependents
* VA may pay additional DIC to a surviving spouse
* Dependent income is counted as part of income eligibility requirements
* Survivor’s benefits are contingent upon relationship with Veteran
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| Determine Dependency Eligibility: Spouse Objectives* **Determine dependency eligibility requirements as a spouse of a Veteran.**
	+ **Identify dependency eligibility requirements as a spouse of a Veteran.**
	+ **Determine spouse marital and income status.**
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| Determine Dependency Eligibility: ChildDetermining dependency eligibility for a child is important because:* Veteran or Surviving Spouse is eligible to receive additional benefits based on having child dependents.
* Survivor’s benefits (Pension or DIC), the minor children may be eligible to receive benefits based on an established relationship to the deceased Veteran in their own right.
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| Determine Dependency Eligibility: Child Objectives**Determine dependency eligibility for a child of a Veteran.*** **Define child for VA purposes.**
* **Determine DIC dependency eligibility requirements for a child of a Veteran.**
* Determine dependency eligibility requirements for a helpless child of a Veteran.
* **Determine pension (Veteran and Survivors) dependency eligibility requirements for a child of a Veteran.**
* **Determine what to develop for a child of a Veteran.**
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| Establish Parental Relationship for DIC * Establishing the parental relationship to a Veteran is critical when determining eligibility for benefits.
* A parent of a Veteran is, for pension purposes, eligible for DIC benefits.
	+ Completed VA Form 21-535
	+ Proof of parental relationship
	+ No evidence of abandonment
	+ Contested parent claim
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| Establish Parental Relationship for DIC ObjectivesEstablish parental relationship to a Veteran for the purpose of receiving DIC benefits. * Identify parental relationship requirements.
* Determine whether evidence shows abandonment, foster parent, or contested claim.
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| Question and Answer ClarificationThis icon prompts you to ask trainees a discussion question or to ask trainees if they have any questions before proceeding with instruction. |  |
| **What’s Next**Phase 5, Part 1(b): Determine Basic Eligibility Knowledge Check |  |