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) |
| Technical Competencies: | * Program Benefits and Eligibility (PMC VSR) * Processing Claims (PMC VSR) * VBA Applications (PMC VSR) |
| 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 |

| 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** |  |
| ****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.** |  |
| 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. |  |
| Determine Whether Veteran Meets Presumptive Criteria for P&T Disability  If 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) |  |
| 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. |  |
| Determine Dependency Eligibility: Spouse  Establishing 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 |  |
| 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.** |  |
| Determine Dependency Eligibility: Child  Determining 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. |  |
| 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.** |  |
| 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 |  |
| Establish Parental Relationship for DIC Objectives  Establish 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. |  |
| Question and Answer Clarification  This 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 |  |