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

Lesson Plan

August 2021

Phase 5, Part 1(b) Knowledge Check Preparation

Lesson Overview

| Topic | Description |
| --- | --- |
| 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: | * **Master Course Map** learning aid * 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 Relationship * 38 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 * 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) * **Dependency Eligibility Requirements** job aid * **Dependency Eligibility: Spouse** job aid |
| 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: | * Lesson Plan * **Master Course Map** learning aid * Slides * Projector * Access to CPKM * Access to VSR Assistant * Access to the following job aids from VSR Assistant:   + **Dependency Eligibility Requirements** job aid   + **Dependency Eligibility: Spouse** job aid |

Instructor Notes

This Knowledge Check preparation will provide trainees with a refresher of the topics covered in Phase 5, Part 1(b): Determine Basic Eligibility. This will include a review of all lesson objectives, participation in activities to reinforce their understanding, and a question and answer forum to address any misconceptions and provide additional clarification about the information presented.

| PowerPoint Slides | Instructor Activities |
| --- | --- |
| Phase 5, Part 1(b): Knowledge Check Preparation | **DISPLAY** slide  “Phase 5, Part 1(b): Knowledge Check Preparation”  **INTRODUCE** yourself as the instructor.  **INTRODUCE** the Knowledge Check preparation. |

| PowerPoint Slides | Instructor Activities | |
| --- | --- | --- |
| Phase 5, Part 1(b) Lesson Review  **This Knowledge Check preparation will consist of the following:**   * **Lesson objectives review** | **DISPLAY** slide **2.** “Knowledge Check Preparation Overview”  **EXPLAIN that this Knowledge Check preparation will consist of a review of the learning objectives for each lesson in Phase 5, Part 1(b).** |
| ****Phase 5, Part 1(b) Lessons**** | **DISPLAY** slide **3.** “Phase 5, Part 1(b) Lessons”  **REMIND** trainees that Phase 5, Part 1(b) consists of the following lessons:   1. **Establish Veteran Status** 2. Determine Whether Veteran Meets Presumptive Criteria for P&T Disability 3. Determine Dependency Eligibility: Spouse 4. Determine Dependency Eligibility: Child 5. Establish Parental Relationship for DIC |
| 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.** | **DISPLAY** slide **4.** “Establish Veteran Status”  **TRANSITION to the first lesson in Phase 5, Part 1(b):** Establish Veteran Status**.**  **REMIND trainees that establishing Veteran status is a critical and extremely important part in determining basic eligibility.**  Emphasize Icon  **EMPHASIZE that 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. | **DISPLAY** slide **5.** “Establish Veteran Status Objectives”  **PRESENT the objectives for the lesson.**  **ALLOW about 5–7 minutes to review these objectives.** |
| 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) | **DISPLAY** slide **6.** “Determine Whether Veteran Meets Presumptive Criteria for P&T Disability”  **TRANSITION to the next lesson in Phase 5, Part 1(b): Determine Whether Veteran Meets Presumptive Criteria for Permanent and Total Disability**  **REMIND trainees that a claim can be granted presumptively without sending it to a rating specialist when sufficient evidence is submitted showing that the Veteran satisfies the criteria.**  Emphasize Icon  **EMPHASIZE** that 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. | **DISPLAY** slide **7.** “Determine Whether Veteran Meets Presumptive Criteria for P&T Disability Objectives”  **PRESENT the objectives for the lesson.**  **ALLOW about 5–7 minutes to review these objectives.** |
| Determine Dependency Eligibility: Spouse  Establishing a marital 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 | **DISPLAY** slide **8.** “Determine Dependency Eligibility: Spouse”  **TRANSITION to the next lesson in Phase 5, Part 1(b): Determine Dependency Eligibility: Spouse.**  **REMIND** trainees that establishing an individual’s relationship to a Veteran is critical when determining benefits.  Emphasize Icon  **EMPHASIZE** that **once a marital relationship is established between the Veteran and spouse, VA automatically assumes the spouse is financially dependent on the 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.** | **DISPLAY** slide **9.** “Determine Dependency Eligibility: Spouse Objectives”  **PRESENT the objectives for the lesson.**  **ALLOW about 5–7 minutes to review these objectives.** |
| 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. * Survivors 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. | **DISPLAY** slide **10.** “Determine Dependency Eligibility: Child”  **TRANSITION to the next lesson in Phase 5, Part 1(b):** Determine Dependency Eligibility: Child**.**  **REMIND** trainees that determining dependency eligibility for a child is important because:   * Veteran or Surviving Spouse is eligible to receive additional benefits based on having child dependents. * Survivors 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.   **EXPLAIN** that the existence of dependents and the amount of their income is a factor in determining entitlement in both Veterans Pension and Survivors Pension claims.  Emphasize Icon  **EMPHASIZE** that once VA establishes that an individual is the child of a Veteran, VA assumes the child is financially dependent on the Veteran. |
| 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.** | **DISPLAY** slide **11.** “Determine Dependency Eligibility: Child Objectives”  **PRESENT the objectives for the lesson.**  **ALLOW about 5–7 minutes to review these objectives.** |
| 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 | **DISPLAY** slide **12.** “Establish Parental Relationship for DIC”  **TRANSITION to the final lesson in Phase 5, Part 1(b):** Establish Parental Relationship for DIC**.**  **REMIND trainees that for pension purposes, a parent is only eligible for DIC benefits. It is only necessary to establish a parental relationship to the Veteran. A parent cannot be considered a dependent for pension purposes.**  **EXPLAIN that in order for the claimant to be considered a parent of a Veteran, the claimant must submit evidence that establishes the type of parental relationship.** |
| 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. | **DISPLAY** slide **13.** “Establish Parental Relationship for DIC Objectives”  **PRESENT the objectives for the lesson.**  **ALLOW about 5–7 minutes to review these objectives.** |
| 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. | **DISPLAY** slide **14.** “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.  **ASK** if they have any questions or concerns regarding Phase 5, Part 1(b). Use this time to clear up any confusion or misconceptions about the information presented. |
| **What’s Next**  Phase 5, Part 1(b): Determine Basic Eligibility Knowledge Check | **DISPLAY** slide **15.** “What’s Next”  **DISCUSS** the upcoming Phase 5, Part 1(b): Determine Basic Eligibility Knowledge Check.  **REMIND** trainees to use the job aids and resources provided in the Knowledge Check to help answer the questions. |