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)
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| 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
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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 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)
 | **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: SpouseEstablishing 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: ChildDetermining 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 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.
 | **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 ClarificationThis 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.  |