Pension and fiduciary service

PMC VSR Advanced Core Course Phase 5: Stages of a Claim
Part 5: Award Adjustments

Lesson 3: Determine Net Worth Adjustments

Appendix E

May 2022

Example Development with Proposed Adverse Action—Net Worth

**Department of Veterans Affairs**

 In Reply Refer to:

April 23, 2022

DAVID SMITH 310/PMC/PMC

137890 West Brooke Trail CSS TRA-276581

York, PA 17406 SMITH, DAVID

**IMPORTANT — reply needed**

Dear Mr. Smith:

We have received information showing that your net worth has increased. Therefore, we propose to terminate the pension benefit you are receiving.

You have due process rights. *Due process* means we won't terminate your benefit without telling you in advance and giving you 60 days to respond.

**What We Have Been Told**

We received your correspondence on May 18, 2021, indicating the sale of your primary residence on February 15, 2021. The sale of your primary home is considered a conversion of assets. The information provided is missing an actual amount of the sale. Based on this evidence, we need more information regarding your net worth. to determine your continued eligibility for benefits. If we do not receive the requested information, we may have to terminate your benefits effective March 1, 2021, which is the first of the month after the sale of your primary home.

**What We Propose to Do**

Unless you send us information within 60 days from the date of this letter, showing that our information is wrong, we propose to terminate the pension benefits.

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| **Here's what we have paid you** | ⇨ | Starting December 1, 2020,**$1,936.00** per month | **Here's how we'll change your benefits based on our current information.** | ⇨ | Starting March 1, 2021,**$0.00** per month |

We won't do anything to terminate your benefits until 60 days from the date of this letter unless you ask us to reduce them now. We're giving you this time so that you can show us why we shouldn't terminate your survivor pension back to March 1, 2021.

**Evidence Reviewed**

We used the following evidence:

* Statement in support of claim received May 18, 2021.
* VA Form 21P-8416 Medical Expense Report received May 18, 2021.
* Care Expense Statement received May 18, 2021.

**What Do We Still Need from You?**

In order to properly review your entitlement to benefits, please complete the enclosed VA Form 21P-0969, Income and Asset Statement In Support Of Claim For Pension Or Parents' Dependency And Indemnity Compensation (DIC). In addition, please provide a bill of sale for the sale of your primary home.

**When And Where Do You Send the Information or Evidence?**

Please send this information to us ***within 60 days of the date of this letter***. Please put your VA file number, name, and address on everything you send to us. **If we do not receive the information within 60 days of the date of this letter, we must decide based on the information of record. This would cause your award to terminate effective March 1, 2021. This adjustment would create an overpayment on your award subject to repayment.**

As we've said, the only reason we're proposing to stop your benefits is because of the report of the sale of your primary home which potentially increases your net worth. **The best way to show us why we shouldn't stop your benefits from March 1, 2021, is to send evidence showing that you are entitled to the additional pension benefits.**

**How Submitting Evidence May Affect Payments**

Your payments will continue at the present rate for 60 days following the date of this notice so that you may, if you wish, submit evidence to show that the proposed action should not be taken. You may submit evidence in person, through the mail, or through your accredited representative.

If you wait more than 60 days to submit evidence, we will carefully consider whatever you submit, but the adjustment of benefits described above will already have gone into effect and your adjusted benefits will continue while we review the additional evidence.

Be sure to send your evidence, with your full name and VA file number, to the address at the top of this letter.

**How to Minimize a Potential Overpayment**

You should be aware that if you continue to accept payments at the present rate for the next 60 days and we then determine to make the proposed adjustment, you will have to repay all or a part of the benefits you have received during the 60 days. You may minimize this potential overpayment by sending us a written statement asking that, beginning with your next check, we reduce your payments while we review your case. If you make this request and, at the end of 60 days, our review shows that you should have received the higher rate, we will restore the full rate from the date on which it was reduced.

**How to Obtain a Personal Hearing**

If you desire a personal hearing to present evidence or argument on any point in your claim, notify this office and we will arrange a time and place for the hearing. If you want, you may bring witnesses and their testimony will be entered in the record. VA will furnish the hearing room and provide hearing officials. VA cannot pay for any other expenses of the hearing since a personal hearing is held only on your request.

If, within 30 days from the date of this notice, VA receives your hearing request, we will continue payments at the present rate until we have held the hearing and reviewed the testimony. Continuing to receive the current rate of payment until a hearing is conducted could result in the creation of an overpayment, which you must repay. If you request a hearing but wish to minimize any overpayment which could result, you should submit a statement asking that we reduce or suspend your benefits beginning with your next check.

You may request a hearing after 30 days; however, we may continue with our proposed action.

**How to Obtain Representation**

An accredited representative of a veterans' organization or other service organization recognized by the Secretary of Veterans Affairs may represent you, without charge. An accredited agent or attorney may also represent you. However, under 38 U.S.C. 5904(c), an accredited agent or attorney may only charge you for services performed after the date you file a notice of disagreement. If you desire representation, let us know and we will send you the necessary forms. If you have already designated a representative, no further action is required on your part.

**What Is eBenefits?**

eBenefits provides electronic resources in a self-service environment to service members, Veterans, and their families. Through the eBenefits website you can:

* Track the status of your claim or appeal
* View your payment history
* Obtain verification of your military service, civil service preference, or VA benefits
* Receive a copy of your military discharge documents, and
* Manage your VA life insurance policy

Enrolling in eBenefits is easy. Just visit www.eBenefits.va.gov for more information on this joint Department of Defense and VA service.

**If You Have Questions or Need Assistance**

If you have any questions, you may contact us by telephone, e-mail, or letter.

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| **If you** | **Here is what to do.** |
|  Telephone | Call us at 1‑800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711. |
|  Use the Internet | Send electronic inquiries through the Internet at <https://ask.va.gov/>.  |
|  Write | Put your full name and VA file number on the letter. Please send all correspondence to:Department of Veterans AffairsPension Intake CenterPO Box 5365Janesville, WI 53547-5365 |

In all cases, be sure to refer to your VA file number TRA-276581.

If you are looking for general information about benefits and eligibility, you should visit our website at https://www.va.gov, or search the Frequently Asked Questions (FAQs) at https://iris.va.gov.

We have no record of you appointing a service organization or representative to assist you with your claim. You can contact us for a listing of the recognized veterans' service organizations and/or representatives. Veterans' service organizations, which are recognized or approved to provide services to the veteran community, can also help you with any questions.

Sincerely yours,

**RO Director**

**VA Regional Office**

To email us visit https://iris.va.gov

Enclosure(s): VA Form 21P-0969

For Training Purposes Only-System generated format may vary.