Dependency and Apportionment Claims Establishment

Time Required: 1.5 Hours

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| Lesson Description | |
| The information below provides the instructor with an overview of the lesson and the materials that are required to effectively present this instruction. | |
| TMS # | 4411897 |
| Prerequisites | Prior to this lesson, the Claims Assistant should be able to navigate VBMS. |
| target audience | The target audience forDependency and Apportionment claims establishment is Claims Assistance with any level of experience. |
| Time Required | 1.5 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Dependency and Apportionment claims establishment PowerPoint Presentation * Dependency and Apportionment claims establishment Trainee Handout |
| Training Area/Tools | The following are required to ensure the trainees are able to meet the lesson objectives:   * Classroom or private area suitable for participatory discussions * Seating, writing materials, and writing surfaces for trainee note taking and participation * Handouts, which include a practical exercise * Large writing surface (easel pad, chalkboard, dry erase board, overhead projector, etc.) with appropriate writing materials * Computer with PowerPoint software to present the lesson material   Trainees require access to the following tools:   * VA TMS to complete the assessment |

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| Pre-Planning | * Become familiar with all training materials by reading the Instructor Lesson Plan while simultaneously reviewing the corresponding PowerPoint slides. This will provide you the opportunity to see the connection between the Lesson Plan and the slides, which will allow for a more structured presentation during the training session. * Become familiar with the content of the trainee handouts and their association to the Lesson Plan. * Practice is the best guarantee of providing a quality presentation. At a minimum, do a complete walkthrough of the presentation to practice coordination between this Lesson Plan, the trainee handouts, and the PowerPoint slides and ensure your timing is on track with the length of the lesson. * Ensure that there are copies of all handouts before the training session. * When required, reserve the training room. * Arrange for equipment such as flip charts, an overhead projector, and any other equipment (as needed). * Talk to people in your office who are most familiar with this topic to collect experiences that you can include as examples in the lesson. * This lesson plan belongs to you. Feel free to highlight headings, key phrases, or other information to help the instruction flow smoothly. Feel free to add any notes or information that you need in the margins. |
| Training Day | * Arrive as early as possible to ensure access to the facility and computers. * Become familiar with the location of restrooms and other facilities that the trainees will require. * Test the computer and projector to ensure they are working properly. * Before class begins, open the PowerPoint presentation to the first slide. This will help to ensure the presentation is functioning properly. * Make sure that a whiteboard or flip chart and the associated markers are available. * The instructor completes a roll call attendance sheet or provides a sign-in sheet to the students. The attendance records are forwarded to the Regional Office Training Managers. |

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| Dependency and Apportionment Claims Establishment | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | 0.25 hours |
| Purpose of Lesson  Explain the following: | | This lesson is intended to provide an overview of Dependency and Apportionment claims establishment. This lesson will contain discussions and exercises that will allow you to:   * Establish a dependency claim. * Establish an apportionment claim. |
| Lesson Objectives  Discuss the following:  Slide 2  Handout 2 | In order to accomplish the purpose of this lesson, the CA will be required to complete an assessment that covers the following lesson objectives:  TheCA will be able to:   * To understand the procedures for and how to effectively establish a dependency claim. * To understand the procedures for and how to effectively establish a claim for apportionment. | |
| Explain the following: | Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed. | |
| Motivation | This training will provide the knowledge to understand the procedures for establishing a dependency or apportionment claim. | |

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| STAR Error code(s) | The Systematic Technical Accuracy Review (STAR) Program may review dependency and apportionment claim establishment. |
| References  Slide 3  Handout 2 | Explain where these references are located.   * [M21-1, Part III, Subpart iii, Chapter 5, Section A](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015798/M21-1-Part-III-Subpart-iii-Chapter-5-Section-A-General-Information-on-Relationship-and-Dependency#1) * [M21-1, Part III, Subpart i, Chapter 4, Section E](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000032435/M21-1-Part-III-Subpart-i-Chapter-4-Section-E-Processing-of-Claims-for-and-Correspondence-Affecting-a-Beneficiarys-Entitlement-to-Additional-Compensation-Benefits-for-Dependents) * [M21-1, Part III, Subpart ii, Chapter 3, Section D](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000031819/M21-1-Part-III-Subpart-ii-Chapter-3-Section-D-Claims-Establishment#3) * [M21-1, Part III, Subpart iii, Chapter 1, Section F](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000071983/M21-1-Part-III-Subpart-iii-Chapter-1-Section-F-Record-Maintenance-During-the-Development-Process#2) * [M21-4, Appendix B](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000011474/Appendix%20B.%20End%20Product%20Codes%20and%20Work-Rate%20Standards%20for%20Quantitative%20Measurementshttps:/vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000011474/Appendix%20B.%20End%20Product%20Codes%20and%20Work-Rate%20Standards%20for%20Quantitative%20Measurements) |

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| Topic 1: Establishing a Dependency Claim | |
| Introduction | This topic will give an overview of dependency claims. What forms are used and how to establish a dependency claim. |
| Time Required | 0.5 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:  The following topic teaching points support the topic objectives:   * Dependency Claim Overview * Prescribed forms for dependency * Dependency claims signed by VA employees * Prescribed forms submitted by a POA * Establishing dependency claims in VBMS * End Products (EP) |
| Dependency Claim Overview  Slide 4-5 Handout 3 | The VA may pay additional disability compensation to a Veteran for his/her dependent(s) if the Veteran has a combined disability rating of at least 30 percent.  VA may pay additional Dependency and Indemnity Compensation (DIC) to a surviving spouse for any of his/her children that VA recognizes as children of the Veteran on whose death the DIC award is based.  The existence of dependents and the amount of their income is a factor in determining entitlement in both Veterans pension and survivors pension cases.  A claimant’s entitlement to survivors benefits, such as DIC and survivors pension, is contingent on his/her relationship to the Veteran on whose death the benefit is based. |
| Prescribed forms for dependency  Slide 6 Handout 3-4 | Effective March 24, 2015, a claimant must submit a dependency claim on the prescribed form.  *Explain:*M21-1, Part III, Subpart ii, 2 lists the prescribed forms which can be used.  The most common form used is the VA Form 21-686c, Declaration of Status of Dependents. |
| **Dependency claims signed by VA employees**  Slide 7 Handout 4 | Describe what VA employees can sign a dependency claim on behalf of a claimant. Explain the forms that can be submitted and the procedures for submitting a claim on the claimants behalf.  [38 CFR 3.160(a)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=accb3ca3a01f1ce4e9a2c87cbd2748fe&mc=true&node=se38.1.3_1160&rgn=div8) allows VA to accept a [*VA Form 21-686c*](http://www.vba.va.gov/pubs/forms/VBA-21-686c-ARE.pdf) that a VA –recognized representative (power of attorney) signs and submits to VA on a claimant’s behalf as if the claimant submitted it himself/herself. |

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| **Prescribed forms submitted by the claimant’s VA –recognized representative (POA)**  Slide 7 Handout 4 | Explain that a VA Form 21-686c can be submitted by a POA on the veteran’s behalf. |
| **A claim for a child incapable of self-support**  Slide 8-9 Handout 4-5 | Explain what forms for a child incapable of self-support (helpless child) can be submitted on and what EPs would be used to establish these claims.  **Note**:  Information about a child incapable of self-support submitted by a Veteran on [VA Form 21-0538, Status of Dependents Questionnaire](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21-0538-ARE.pdf), will be accepted as a claim to add the dependent(s) to the Veteran’s award.  \*\* These claims require a rating decision. If a claim for a child incapable of self-support based on the veteran’s receipt of pension is received an EP 120 would be established if not already pending. If a claim for a child incapable of self-support based on the veteran’s receipt of compensation is received an EP 020 would be established if not already pending. If an EP 120/020 is already pending or being established for other issues the contention would be added to the pending EP 120/020. |
| **Establishing Dependency Claims in VBMS**  Slide 10 Handout 5 | When a substantially complete claim for dependency has been received the appropriate end product (EP) will be established in VBMS.  Use of contentions for each claim is mandatory.  A Veteran submits a claim to add a spouse and a child to a running award.  Create separate contentions for the spouse and child as follows: -Dependency claim [*name of spouse*], and  -Dependency claim [*name of child*].  Explain the reference for establishing claims in VBMS and what exceptions there are to establishing a claim in VBMS.  *Trainer*: Ensure the trainee understand the use of contentions is mandatory and how to enter contentions for dependency. |
| **End Products (EP)**  Slide 11-12 Handout 5 | Explain the EPs, Claim labels, and segmented lanes used when establishing a claim in VBMS. (see table in Student Handout)  Explain when an EP 693 would be established with a dependency claim.  *Explain:* If a dependency claim is received with an initial claim for compensation **or** while an EP 110 or 010 is pending do not establish an EP 130.  *Explain:*  An EP 120 would be established for an initial claim on a child incapable of self-support based on **pension** entitlement.  An EP 020 would be established for an initial claim on a child incapable of self-support based on **compensation** entitlement.  When information is received that suggests a potential under/overpayment may exist, Veterans Service Centers (VSCs) must establish an ***EP 693*** concurrently with a controlling EP to monitor timeliness in completing action on potential under/overpayments. Therefore an EP 693 would also be established when a claimant is requesting that their dependent be removed from their award.  **The use of contentions for each claim is mandatory** and should be entered as soon as they are identified. Each issue, including non-rating issues, must be entered as a separate contention.  ***Example:***   * A Veteran submits a claim to add a spouse and a child to a running award. Create separate contentions for the spouse and child as follows:   + *Dependency claim for* **[*name of spouse*]**, and   + *Dependency claim for* **[*name of child*]**. |
| **Topic 2: Establishing an Apportionment Claim** | |
| |  |  | | --- | --- | | Introduction | This topic will give an overview of dependency claims. What forms are used and how to establish a dependency claim. | |  | 0.75 hours | |  | Topic objectives:  The following topic teaching points support the topic objectives:   * Dependency Claim Overview * Prescribed forms for dependency * Dependency claims signed by VA employees * Prescribed forms submitted by a POA * Establishing dependency claims in VBMS * End Products (EP) | | This topic will give an overview of apportionment claims. What forms are used and how to establish a apportionment claim. |
| Time Required | 0.5 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:  The following topic teaching points support the topic objectives:   * Understand **general information on dependency claims** * **Identify the prescribed form used for an apportionment** * Explain **how to establish a claim for apportionment in VBMS** |
| **General Information on Establishing Apportionment Claims**  Slide 13-14 Handout 7 | An apportionment may be paid to   * an estranged spouse and child * children in an estranged spouse’s custody * a child or children not living with the primary beneficiary or surviving spouse and to whom the primary beneficiary or surviving spouse is not reasonably contributing, or * a dependent parent (in compensation cases). |
| **Establishing a claim for Apportionment**  Slide 15-21 Handout 7-10 | Explain the prescribed form for establishing a claim for apportionment, what to do if a claim is received not on a prescribed form, and how to establish an apportionment claim in VBMS.  *Trainer*: Direct student to step by step table provided in Student Handout.  Explain the different payee codes used and when multiple EPs would be established for apportionment claims. |
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| Lesson Review, Assessment, and Wrap-up | |
| Introduction  Discuss the following: | The Dependency and Apportionment claims establishment lesson is complete.  Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | 0.25 hours |
| Lesson Objectives | You have completed the Dependency and Apportionment claims establishment lesson.  The trainee should be able to:   * Explain and establish a dependency claim. * Explain and establish an apportionment claim. |
| Assessment | Remind the trainees to complete the on-line assessment in TMS to receive credit for completion of the course. The assessment will allow participants to demonstrate understanding of information presented. |