ESTABLISHING VETERAN STATUS

Instructor Lesson Plan

Time Required: 2 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 # | 4443822 |
| Prerequisites | None |
| target audience | The target audience is VSR Entry Level.  Although this lesson is targeted to teach the VSR, Entry, Intermediate or Journey Level employee, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 2 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Establishing Veteran Status PowerPoint Presentation * Establishing Veteran Status Trainee Handouts |
| 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 * Compensation Service Intranet |
| 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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| Introduction to Establishing Veteran Status | | |
| 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 educate trainees on the criteria to which an individual must meet to be considered a Veteran for VA compensation purposes. This lesson will contain discussions and exercises that will allow you to gain a better understanding of:   * VA compensation benefits entitlement criteria * Verification of service requirements |
| Lesson Objectives  Discuss the following:  Slide 2  Handout 2 | In order to accomplish the purpose of this lesson, the VSR will be required to accomplish the following lesson objectives.  TheVSRwill be able to:   * Identify three elements required to establish Veteran status for VA compensation purposes * Identify the differences between duty statuses for Reservists and National Guard members qualification criteria * Recognize and identify acceptable evidence for verification of service * Identify discharge statuses that entitle a Veteran to compensation benefits | |
| 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 | Inform the trainee in order to ensure a Veteran receives all the benefits to which he/she is entitled in a timely manner the VSR needs to review and verify the Veteran’s Status. Before any claims development is conducted, it is vital the VSR ensures the Veterans’ status so there is no misunderstanding of the benefits the Veteran may or may not be entitled to receive. | |
| STAR Error code(s) | The Systematic Technical Accuracy Review (STAR) Program reviews cases and considers them either “accurate” or “in error” for the purpose of measuring technical accuracy. The following are types of errors called under this subject matter:   * Task 3: Were all pertinent federal records (other than STRs) obtained/requested or determined to be of record? * Task 10: Was the claimant properly notified? * Task 11: Were all systems accurately updated? | |
| References  Slides 3  Handout 3 | Explain where these references are located in the workplace.  All M21-1 references are found in the [Live Manual Website.](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%3FLANGUAGE%3Den%26COUNTRY%3DUS)   * [38 CFR 3.1, Definitions](https://www.ecfr.gov/cgi-bin/text-idx?SID=b12a2641b53d64328cb803138210d8ea&node=se38.1.3_11&rgn=div8) * [38 CFR 3.4, Compensation](https://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58" \l "se38.1.3_14) * [38 CFR. 3.6, Duty periods](https://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_16) * [38 CFR 3.7, Individuals and groups considered to have performed active military, naval, or air service](https://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_16) * [38 CFR 3.12, Character of discharge](https://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58%20-%20se38.1.3_14%20-%20se38.1.3_17#se38.1.3_112) * [38 CFR 3.12a, Minimum active-duty service requirement](https://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58%20-%20se38.1.3_14%20-%20se38.1.3_17%20-%20se38.1.3_112#se38.1.3_112a) * [38 CFR 3.13, Discharge to change status](https://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58%20-%20se38.1.3_14%20-%20se38.1.3_17%20-%20se38.1.3_112%20-%20se38.1.3_112a#se38.1.3_113) * [38 CFR. 3.14, Validity of enlistments](https://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58%20-%20se38.1.3_14%20-%20se38.1.3_17%20-%20se38.1.3_112%20-%20se38.1.3_112a#se38.1.3_113) * [38 CFR 3.203, Service records as evidence of service and character of discharge](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=d39e05b50f7436b1eb783a129e33ed8b&n=pt38.1.3&r=PART&ty=HTML#se38.1.3_1203) * [M21-1, Part III, Subpart ii, 3.C.7.a.  Military Service Verification](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014125/M21-1-Part-III-Subpart-ii-Chapter-3-Section-C-System-Updates#7) * [M21-1, Part III, Subpart ii, 6.A, Establishing Veteran Status](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014143/M21-1-Part-III-Subpart-ii-Chapter-6-Section-A-Establishing-Veteran-Status) * [M21-1, Part III, Subpart ii, 6.B, Service Requirement and Verification of Eligibility](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000044297/M21-1-Part-III-Subpart-ii-Chapter-6-Section-B-Service-Requirements-and-Verification-of-Eligibility) * [M21-1, Part III, Subpart iii, 2. A, General Information on Service Records](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014154/M21-1-Part-III-Subpart-iii-Chapter-2-Section-A-General-Information-on-Service-Records) * [M21-1, Part III, Subpart v, 1. B, Statutory Bars to Benefits and Character of Discharge (COD)](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014217/M21-1-Part-III-Subpart-v-Chapter-1-Section-B-Statutory-Bars-to-Benefits-and-Character-of-Discharge-COD) | |

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| Topic 1: VA Compensation Benefits Criteria | |
| Introduction | This topic will allow the trainees to gain an understanding of the basic entitlement criteria for which an individual is granted Veteran status. The topic will also differentiate the types of Reserve service that qualify an individual for Veteran status. |
| Time Required | 0.75 hours |
| OBJECTIVES/ Teaching Points | The following topic teaching points support the topic objectives:   * Definition of a Veteran * Reservists and National Guard Qualifications |
| Definition of a Veteran  Slide 5  Handout 4 | A “Veteran” is a person who served in the active military, naval, or air service and was discharged or released under conditions other than dishonorable.  Remind trainees that this is not applicable to service members involved with the BDD program as noted in M21-1.III.i.2.B.4.d. Their current period of service cannot be verified until they are discharged. |
|  | ***NOTE*:** Refer trainees to 38 CFR 3.7 for an in-depth breakdown of the groups that are considered active military, naval, or air service. |
| Establishing Veteran Status  Slide 6  Handout 4 | Three elements required to establish Veteran status for VA compensation purposes:   * + Individual must be identified as a Veteran by VA definition   + Service must be verified with acceptable evidence   + Character of discharge from service must be other than dishonorable |
| Duty Statuses Considered for Active Duty Service  Slide 7  Handout 4 | Active Duty consist of:   * Full time occupation in the military, naval, or air service * any period of active duty for training (ADT) during which a person is disabled or dies from a disease or injury incurred or aggravated in the line of duty, or * any period of inactive duty for training (IADT) during which a person is disabled or dies from an injury incurred or aggravated in the line of duty or from any of the following conditions that occurred during training:   + acute myocardial infarction   + cardiac arrest, or   + a cerebrovascular accident. |
| Minimum Active Duty Service Requirements  Slide 8  Handout 5 | In order to fulfill the minimum Active Duty service requirements, an individual must have undergone a full period of Active Duty or 24 continuous months; whichever duration is shorter.  38 CFR 3.12a mandates that the minimum Active Duty service requirement must be met by all persons, including officers, who:   * Originally enlisted in a regular component of the Armed Forces after September 7, 1980 * Entered on active duty after October 16, 1981 * Have neither previously (before October 16, 1981) completed a continuous period of Active Duty of at least 24 months nor been discharged or released from active duty under 10 U.S.C 1171   38 CFR 3.12a (d) covers the exceptions to the minimum service requirement, however they will not all be covered in this lesson.  The exception most pertinent to this lesson states that the minimum Active Duty requirement does not need to be fulfilled for anyone who is rated with a service-connected disability.  When processing a claim, verifying whether the minimum Active Duty requirement is fulfilled is not necessary if the Veteran is rated with a service-connected disability. |
|  | ***NOTES:*** M21-1 III.ii.6.A.3.b states service in the Reserves meets the definition of active duty if the facts of record establish that the service was:   * Full-time, and * For operational or support purposes, as opposed to training   For example, an individual was in the Army Reserves for 4 years, but he was never called to active duty. The Reservist would not be eligible because he never served on active duty. |
| Reserve Service Qualifications  *Slide 9-10*  *Handout 6* | Activation of a Reservist for full time operational or support purposes is considered Active Duty.  The following types of Reserve programs are considered Active Duty for the purpose of establishing Veteran status if the facts of record establish that the service was full time and for operational or support purposes:   * Active Guard Reserve (AGR) – National Guard and Reserve members who are on voluntary active duty providing full-time support to National Guard, reserves, and Active Component organizations for the purpose of organizing, administering, instructing, or training the Reserve Components. * Active Duty Support Program (ADS) – A program in which members serve full-time in operational or support positions but are never formally called to active duty. * Active Duty for Special Work (ADSW) – a tour of duty for reserve personnel authorized from military and reserve personnel appropriations for work on active or reserve component programs. This includes annual screenings, training camp operations, training ship operations, and unit conversions to new weapon systems when such duties are essential. Active duty for Special Work may also be authorized to support study groups, training sites and exercises, short-term projects, and doing administrative or support functions. Active Duty for Special Work tours is normally limited to 179 days or less in one fiscal year. Tours exceeding 180 days are accountable against active duty end strength. |
|  | **Reserves Programs Not Considered Active Duty**  The following types of Reservist duty are not considered full-time Active Duty:   * Initial Active Duty for Training- The standard for Reserve members without prior active service is to undergo a period of Initial Active Duty for Training lasting from four to seven months. This training may be taken in a single period or as two separate periods. * Annual Training(AT) - AT is an annual two to five weeks activation for training purposes. These are all forms of Active Duty for Training (ADT or ACDUTRA). * Inactive Duty Training(IADT) - IADT is commonly referred to as “weekend drills.” |
|  | A helpful way to determine Active Duty status for Reservists is if activation was for:   * Operational or support purpose is considered Active Duty * Training purposes it constitutes ADT |
| National Guard Service Qualifications  *Slides 11-12*  *Handout 7-8* | The Army National Guard (ARNG) and the Air National Guard (ANG) operate full-time operational and support programs similar to the Ready Reserves. Often, members of the National Guard are the first line of defense for our country.  Member served under Title 10 (10 U.S.C) or Title 32 (32 U.S.C) |
| Topic 1: Knowledge Check  *Slides 13-16* | A Guard unit or member may be activated under the authority of 10 U.S.C. (Title 10). For VA purposes, members who report qualify as Active Duty service. Active Duty under 10 U.S.C. is characterized as Federal Active Duty.  For VA purposes, full-time operational or support National Guard service performed under 32 U.S.C. 316, 502, 503, 504, or 505 (Title 32) is considered ADT but does not meet the definition of Active Duty.  Individuals who serve full-time in the National Guard under Title 32 are on continuous duty 24 hours per day, seven days per week. Therefore, the term “in the line of duty” does not always mean while at work. Injuries occurring during non-working hours are considered in the line of duty.  Consult with trainees on each question, to encourage participation and learning through the topic knowledge check. Incorrect answers will provide feedback and applicable references, and correct answers will allow for progression to next question. |

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| Topic 2: Veteran Service Verification Requirements | | |
| Introduction | This topic will provide the VSR with the information required to identify acceptable evidence that can be used to verify Veteran service and to identify varying discharge statuses. | |
| Time Required | 0.5 hours | |
| OBJECTIVES/ Teaching Points | The following topic teaching points support the topic objectives:   * Verification of Service * Character of Discharge | |
| Verification of Service  Slide 18  Handout 9 | The process for establishing Veteran status consists primarily of the following:   * Locate acceptable evidence of service * Verify active service dates * Verify character of discharge | |
| Acceptable Evidence for Service Verification  Slide 19  Handout 9 | The following items are acceptable pieces of evidence for verification of service:   * DD Form 214 * PHS Form 1867 * NOAA Form 56-16 * NGB-22 * Report of separation issued prior to the implementation of the DD Form 214 * Continuous active service comments on a DD Form 214 that is acceptable for verifying service * 3101 response from the service department (Historical) * Digitally signed DD form 214 that meet certain requirements * BIRLS VID screen, if it meets all of the following requirements:   + Character of service is Honorable (HON) or Under Honorable Conditions (UHC)   + Branch of service code is not Army National Guard or Air National Guard   + Separation reason is Satisfactory (SAT)   + “Y” or “D” in the VADS field   + “Y” in the VER field | |
|  | If one of the documents listed above is not received in support of a claim, verify military service using the VID tab in Share to determine character of discharge and separation reason.  VA has a link via to access a Veteran’s military history information from VA/DoD Identity Repository (VADIR). The information obtained from VADIR is considered an electronic *DD Form 214*, and is acceptable for verification of service.    The information retrieved from VADIR is identical to the information accessible in VIS, and can be viewed in VIS.  If there are discrepancies between the information displayed in VIS and evidence provided by the service member pertaining to the dates of service or character of discharge, you should develop for the DD Form 214. | |
| Incomplete Service Verification  Slides 20-21  Handout 10 | Verify active service dates and character of discharge by first reviewing the available service department records or other acceptable evidence of service in the claims folder.  If a review of the claims folder indicates that the available evidence is incomplete or information is questionable, request the following:   * Personnel Information Exchange Systems (PIES) * Veteran Information Solution (VIS) * Defense Personnel Records Image Retrieval System (DPRIS)   If claimant submitted alternative form of evidence of service that cannot be accepted and military service cannot be verified send a denial letter, including: explanation of attempts made to verify service, description of the acceptable forms of evidence and notice of decision review rights. | |
| Character of Discharge  *Slide 22-24*  *Handout 10*  Uncharacterized Discharges  *Slides 22-24*  *Handout 11*  Topic 2: Knowledge Check  *Slides 25-28* | A service member’s character of service can affect his/her entitlement to VA benefits. In order to be a Veteran, Service members must be released under conditions other than dishonorable. A discharge under honorable conditions is binding on the Department of Veteran Affairs (VA). And a dishonorable discharge, by definition, is a bar to VA benefits.  The following types of discharges are binding for eligibility to VA benefits:   * Honorable discharge * General discharge * Certain Uncharacterized discharges * General Under Honorable Conditions discharge (UHC)   The following types of discharges require VA development and an administrative decision:   * General Under Conditions Other than Honorable (OTH) * Certain Uncharacterized discharges * Dishonorable discharge (only if insanity is an issue) * Bad Conduct discharge   According to 38 CFR 3.12 (k), when enlisted personnel are administratively separated from service on the basis of proceedings initiated on or after October 1, 1982, the separation may be classified as one of the following three categories:   1. Entry level - considered by VA to be Under Honorable Conditions discharge (UHC) 2. Void enlistment or induction – VA makes administrative decision 3. Dropped from rolls – VA makes administrative decision   Entry level separation (ELS) – is a type of characterization of an individual who served less than 180 days to which an adequate measure of the individual’s conduct and performance could not be determined.  Void enlistment – is when it is discovered that a service member’s enlistment is erroneous because he or she failed to meet the qualifications for enlistment. An example of a void enlistment may include enlistment of a person who was intoxicated or insane at the time of enlistment. It may also include a person under the age of 17, a deserter from another military branch of service, or a person who was coerced into enlisting by being presented with the option of enlisting or going to jail Dropped from the rolls – is an administrative action that drops an individual from the strength accountability of a military service. This occurs when the service member has been absent/AWOL for a minimum of 30 days. Once dropped from the rolls, all military status is severed.  Consult with trainees on each question, to encourage participation and learning through the topic knowledge check. Incorrect answers will provide feedback and applicable references, and correct answers will allow for progression to next question. | |
| Practical Exercise | |
| Time Required | 0.25 hours |
| EXERCISE  *Handout 13* | The trainee should work individually on the exercise. Allow the trainee 15 minutes to answer the questions.  Ask if there are any questions about the information presented in the exercise, and then proceed to the Review. |

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| Lesson Review, Assessment, and Wrap-up | |
| Introduction  Discuss the following: | The Establishing Veteran Status 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 Establishing Veteran’s Status lesson.  The trainee should be able to:   * Identify three elements required to establish Veteran status for VA compensation purposes * Differentiate between duty statuses for Reservists and National Guard members qualification criteria * Recognize and identify acceptable evidence for verification of service * Identify discharge statuses that entitle a Veteran to compensation benefits |