Decision Notice Letter Refresher Training

Instructor Lesson Plan

Time Required: 1.5 Hours

**Table of Contents**

[Lesson Description 2](#_Toc40100712)

[Introduction to Decision Notice Letter Refresher Training 4](#_Toc40100713)

[Topic 1: Decision Notice Requirements 6](#_Toc40100714)

[Topic 2: Impact of Erroneous Notification or Failure to Notify 12](#_Toc40100715)

[Lesson Review, Assessment, and Wrap-up 14](#_Toc40100716)

|  |  |
| --- | --- |
| 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 # | 4483911 |
| Prerequisites | Prior to this lesson, the Veteran Service Representatives (VSRs) should have 12 months of VSR experience. |
| target audience | The target audience for Decision Notice Refresher Training is VSR, Intermediate or Journey Level.  Although this lesson is targeted to teach the VSR, Intermediate or Journey Level employee, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 1.5 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Decision Notice Refresher TrainingPowerPoint * Decision Notice Refresher Training Trainee Handouts * Decision Notice Refresher Training Lesson Plan * Decision Notice Additional Benefits 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 * VA 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. |

|  |  |  |
| --- | --- | --- |
| Introduction to Decision Notice Letter Refresher Training | | |
| 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 | | This lesson is intended to provide a refresher on how to draft a decision notice. This lesson is not intended as an introduction or deep dive into the drafting of a decision notice. |
| 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.  TheVSR will be able to:   * Identify decision notice requirements * Identify special requirements for decision notices for rating and non-rating decisions * Identify the different requirements for Redesigned Automated Decision Letter (RADL) and Personal Computer Generated Letter (PCGL) decision notices * Understand the impact of an erroneous notification and our failure to notify | |
| 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 | Decision notices are often our only chance to communicate with the Veteran. Also, the decision notice is our one chance to explain our decision to the Veteran. Incorrect notification can lead to unnecessary confusion on the Veteran’s part. Incorrect decision notices can even have regulatory consequences for VA. | |
| STAR Error code(s) | Task 10 | |
| References  Slide 3  Handout 3 | Explain where these references are located in the workplace.  All M21-1 references can be found in the [Compensation and Pension Knowledge Management (CPKM) Portal](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014296/M21-1,-Part-III,-Subpart-vi,-Chapter-5,-Section-A---Fraud).   * [38 CFR 3.103, Procedural due process and appellate rights](https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=39c7e367a71c8efc570650851b266303&rgn=div5&view=text&node=38:1.0.1.1.4&idno=38#se38.1.3_1103) * [M21-1, Part III, Subpart v, 2.B, Decision Notices](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014231/M21-1-Part-III-Subpart-v-Chapter-2-Section-B-Decision-Notices) | |

|  |  |
| --- | --- |
| Topic 1: Decision Notice Requirements | |
| Introduction | This training will provided refresher training on regulatory requirements for decision notices. A refresher about those requirements can help prevent any unwanted decision notice errors. |
| Time Required | 0.75 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Identify decision notice requirements * Identify the different requirements for decision notices VSRs may create using RADL and PCGL * Identify special requirements for decision notices for rating- and non-rating-related decisions   The following topic teaching points support the topic objectives:   * Regulatory requirements * Required decision notice elements * Summarizing evidence |
| Decision Notice Requirements  Slide 4-5 Handout 4 | There are regulatory requirements regarding the information VA must provide to claimants in every decision notice. After making a decision on a claim, prepare a decision notice that independently, or in combination with its enclosures (such as a rating decision or administrative decision),   * informs the claimant of the issues adjudicated * summarizes the   + evidence VA considered   + laws and regulations applicable to the claim, and   + applicable review options the claimant may use to seek further review of the decision * explains how to obtain or access evidence used in making the decision * identifies, if applicable, the criteria required to grant SC or the next-higher level of compensation, and/or * identifies   + - for denied claims, the element(s) required to grant the claim that were not met, and     - a listing of findings that are favorable to the claimant under 38 CFR 3.104(c), if any |
| Decision Notice Requirements – Overpayments  Slide 6 Handout 4 | If the enactment of a decision resulted in the creation of an overpayment in a beneficiary’s account, notify the beneficiary of the overpayment and his/her right to request   * a waiver of the overpayment, and/or * a repayment plan |
| Decision Notice Requirements – Grants  Slide 7 Handout 4 | When VA grants entitlement to a benefit, or makes an adjustment to a running award, the decision notice must also notify the claimant of   * + - * the monthly rate of payment       * the effective dates of entitlement and payment * the amount of any benefits VA is withholding and the reason for the withholding, and * information about any additional benefits to which the claimant may be entitled.   ***When VA confirms and continues (C&C) a prior rating decision, there is no requirement to provide the information referenced in the above bullets in the corresponding decision notice.*** |
| **Additional Benefits and Entitlements**  Take a few minutes to go over the Notification Letter Additional Benefits Handout with the trainees.  *Slide 8*  Handout 4 | Use the *Additional Benefit Notification Requirements*reference to assist you in determining the correct paragraphs to include in your decision notice when a Veteran may be entitled to additional benefits.  When utilizing RADL, you should not need to add or modify any paragraphs discussing additional benefits. RADL should correctly add all the appropriate paragraphs to the notification letter.  **Please Note**: Entitlement to DEA and provision of the DEA paragraph when entitlement to DEA is first granted is NOT an exception to the above rule. Per M21-1.III.iii.6.C.1.b, the manual states that the DEA language in the RADL is adequate notification to the Veteran. It states:  “**Important**:  The text in the preceding paragraph is **not** an exact match of the text RADL automatically inserts; claims processors do **not** need to add the text to decision notices they generate using RADL.”  When using PCGL, any forms mentioned must be included as an attachment to the notification letter. |
| Administrative Decisions  Slide 9-10  Handout 5 | All administrative decisions must include the following elements:   * summary of the evidence considered * summary of the laws and regulations applicable to the claim, and * in ***unfavorable decisions only***, * a listing of findings that are favorable to the claimant under 38 CFR 3.104(c), if any, and * identification of the element(s) required to grant the claim that are not met.   The establishment of entitlement to a benefit administratively does not trigger the regulatory requirement to discuss additional benefits in the decision notice.  ***Example***: The Veteran has a 100% evaluation. We establish entitlement for a dependent (spouse). In the decision notice, we do not need to discuss additional benefits (i.e., commissary benefits). |
| Requirement to Provide a Summary of Evidence in a Decision Notice  Slide 11  Handout 5 | Claims processors must summarize (for the benefit of the claimant) the evidence VA considered in reaching a decision in the corresponding decision notice.  **Note:** If a decision notice was preceded by a notice of proposed adverse action, as described in M21-1, Part III, Subpart v, 2.B.1.a, there is no need to re-summarize in that decision notice any evidence referenced in the notice of proposed adverse action. |
| Rules for Summarizing Evidence in a Decision Notice  Slide 12 Handout 5 | When formulating a summarized list of relevant evidence for inclusion in the decision notice,   * + - * use descriptive identifiers, such as   + form names   + document types (for example, divorce decree or birth certificate), and/or   + date of receipt, and     - * refer to the evidentiary naming conventions discussed in M21-1, Part III, Subpart iv, 6.C.4.c.   **Note:** Do not use a form number without also providing the title of the form.  Good Examples:   * VA Form 21-686c, Declaration of Status of Dependents, received on December 24, 2016 * Marriage Certificate, for John and Susan, received on   December 24, 2016  Bad Examples:   * A review of the claims folder performed on August 17, 2017 * VA Form 21-4138 |
| Other Scenarios  Slide 13  Handout 6 | If the VSR is processing multiple decisions at the same time, one decision notice should be used in most situations.  **Example:** The VSR is processing a rating decision under an EP 020. The rating decision establishes entitlement to bilateral hearing loss at 100% and denies posttraumatic stress disorder (PTSD). The VSR notices that there is also an EP 130 pending, for a spouse and two minor children. All of the information to add the spouse is of record; however, the Veteran did not provide the social security numbers for the two children.  **Analysis:** The VSR should process both decisions (the rating decision – EP 020 and the claim for the spouse – EP 130) on the same award and use one decision notice for both decisions made. The EP 130 should be continued at authorization for the pending claim for the two minor children.  However, the development for the missing SSNs for the two children should be completed in a separate VBMS development letter under the EP 130, prior to generating the award.  Pre-decisional letters (development or due process) cannot generally be combined with a decision notice. |
| Visually Impaired Veteran  Slide 14-15  *Handout 6* | If the Veteran is diagnosed with any visual impairment that would result in at least a 70% evaluation, or has made a request that VA accommodate their visual impairment:   * the notification letter must use 18-point font **and** * VA must make a minimum of three attempts to contact the Veteran by telephone to explain the substance of the rating decision   The telephone contact mentioned above should be done by the claims processor responsible for disposing of the associated end product (generally the authorizing VSR). |
| RADL v. PCGL  Slide 16-20  Handout 6 | To utilize RADL an award must first be generated. Even when processing a denial or a C&C, an award must be generated to trigger the creation of an RADL. VBMS-A pulls the following information from the rating and the award to draft the RADL:   * the decision VA made * the reason(s) for the decision * a summary of the evidence used to make the decision   Before processing a rating decision, the VSR should review the decision and all systems he/she relies on during its promulgation. Any error in the rating decision or systems will continue forward into the decision notice and should be corrected prior to generating the award/RADL. The VSR should not generally use PCGL to draft a letter to compensate for an error in the rating or systems.  If the RADL is still not correct after a review of the rating decision and systems:   * attempt to correct the RADL using the auto-text function **or** * utilize PCGL to draft the decision notice   When using PCGL, the decision notice will just provide a short summary of the decision made and not list the evidence used.  The VSR should print a copy of the Rating Narrative and attach it to the decision notice . The Rating Narrative provides:   * the decision VA made * the reason(s) for the decision * a summary of the evidence used to make the decision   **NOTE:** *DO NOT* attach a copy of the Rating Codesheet to the claimant’s decision notice. |
| Review Rights Requirement  Slide 19  Handout 7 | Review with employees **M21-1. Part III. Subpart v.2.B. -** **Providing Review Rights in a Decision Notice**  To meet the requirement to provide review rights in a decision notice,   * + - * include instructions in the decision notice regarding the actions the claimant or beneficiary may take if he/she disagrees with the decision       * ensure that the decision notice contains the appropriate language found in M21-1, Part III, Subpart v, 2.B.5, and       * attach VA Form 20-0998, Your Rights to Seek Further Review of Our Decision, to the decision notice.   **M21-1. Part I.3.B.1.f.** - Adding an Attorney or Agent Name and Address to Letters Created in MAP-D, PCGL or the Letter Creator Tool. |
| Notification Letter Tips  Slide 21  Handout 7 | The VSR must **NEVER** include a copy of the Rating Codesheet as an attachment to the claimant’s decision notice.   * When possible, customize the notification to fit the unique aspects of the Veteran’s claim and the decision(s) VA made. * Spell out all dates (i.e., September 13, 2017). * Do not use VA jargon or acronyms. * Group similar information together in the notification letter. * Always use correct spelling, grammar, and punctuation. * Be clear, concise, and correct. * Use a compassionate and customer-friendly tone.   Write for the reader, not yourself. |

|  |  |
| --- | --- |
| Topic 2: Impact of Erroneous Notification or Failure to Notify | |
| Introduction | This topic will allow the trainee to provide Veterans with a complete and accurate decision notice. Also for trainees to understand a decision can only be finalized once we send correct and complete notification. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Understand the impact of erroneous notification * Understand the impact of our failure to properly notify the Veteran |
| Erroneous Notification  Slide 22 Handout 8 | If VA notifies a claimant that it has established SC for a claimed disability then later corrects the notice to state VA denied SC, the decision review period begins on the date VA sent the corrected decision notice.  Example: The rating decision denies service-connection for a lower back strain. The decision notice (sent on February 22, 2019) incorrectly informs the Veteran that VA has established service-connection for the lower back strain and assigned a 30% disability evaluation effective January 1, 2019. The award is correct and the Veteran is not paid any monetary compensation.  VA sends out a corrected decision notice informing the Veteran of the mistake and the correct decision on March 1, 2019. The correction should be worked under an EP 400. The Veteran’s decision review period does not start until March 1, 2019.  Since the rating is not incorrect and the Veteran has not been awarded any benefits, due process is not required before sending the corrected decision notice. |
| Failure to Notify  Slide 23-24  Handout 8 | If a regional office (RO) decides a claim but fails to notify the claimant of the decision, the claim remains open, legally, even if the RO clears the corresponding end product (EP). Under such circumstances, if VA denied entitlement to a benefit, failed to notify the claimant of the denial, and then granted entitlement to the same benefit years later, the claimant might be entitled to benefits retroactive to the initial date of claim, because the decision on the initial claim never became binding.  In order to avoid the situation described in the preceding paragraph, claims processors must follow the   * steps provided in M21-1, Part III, Subpart v, 2.B.1.m after preparing every decision notice, and * instructions in M21-1, Part III, Subpart ii, 1.B.6 for handling undeliverable, essential mail if a decision notice is returned as undeliverable.   If VA made a decision on a claim, but a corresponding decision notice cannot be located in the claimant’s claims folder, proceed as if the claimant was never notified of the decision. |

|  |  |
| --- | --- |
| Lesson Review, Assessment, and Wrap-up | |
| Introduction  Discuss the following: | The Decision Notice Letter Refresher Training 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 Decision Notice Refresher Training lesson.  The trainee should be able to:   * identify decision notice requirements * identify special requirements for decision notices for rating and non-rating decisions * identify the different requirements for RADL and PCGL decision notices * understand the impact of an erroneous notification and our failure to notify the Veteran |
| Assessment | Remind the trainees to complete the on-line assessment in TMS to receive credit for completion of the course.  The assessment will allow the participants to demonstrate their understanding of the information presented in this lesson. |