Monitoring Income for Veterans in Receipt of Individual Unemployability (IU)

Instructor Lesson Plan

Time Required: 1.75 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 # | 4488270 |
| Prerequisites | Prior to this lesson, the Veteran Service Representatives (VSRs), Rating Veteran Service Representatives (RVSRs) should have completed Challenge or WARTAC Training.  |
| target audience | The target audience for Special Consideration for IU Claims is VSR/RVSR, Entry, Intermediate and Journey Level.Although this lesson is targeted to teach the VSR/RVSR, Entry, Intermediate or Journey Level employees, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 1.75 hours |
| Materials/TRAINING AIDS | Lesson materials:* Monitoring Income for Veterans in Receipt of IU PowerPoint
* Monitoring Income for Veterans in Receipt of IU Trainee Handout
* Monitoring Income for Veterans in Receipt of Answer Key
 |
| 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
* Live Manual Website
 |
| 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.
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| 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.
* Provide a sign in sheet and at the conclusion of the session, ensure that all students have signed in. The attendance records are forwarded to the Regional Office Training Managers, if applicable.
* 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 Monitoring Income for Veterans Receiving IU |
| INSTRUCTOR INTRODUCTION | Complete the following:* Introduce yourself
* Orient learners to the facilities
* Ensure that all learners have the required handouts
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| time required | 0.25 hours |
| Purpose of LessonExplain the following: | This lesson is intended to help the rating and development claims processor understand the IU monitoring process. They will understand when/when not to monitor changes in IU status. Recognize the correct process for tracking and controlling for return/non-return of *VA Form 21-4140*, *Employment Questionnaire*. As well as the actions to take during the various stages of due process. This lesson will contain discussions and exercises that will allow you to gain a better understanding of: * The improved IU monitoring Process
* The dispatch/control for return of VA Form 21-4140
* The action to take if Hines ITC cannot issue VA Form 21-4140
* The action to take upon expiration of due process
* The action to take if VA Form 21-4140 is received after decision notice has been sent
 |
| Lesson ObjectivesDiscuss the following:Slide 2 Handout pg. 2 | In order to accomplish the purpose of this lesson, the rating and development processor will be required to accomplish the following lesson objectives with 80 percent accuracy.Therating and development claims processorwill be able to: * Understand how changes in income are monitored
* Recognize when monitoring is no longer required
* Understand the new process for dispatch/control for return of VA Form 21-4140, *Employment Questionnaire*
* Understand the actions to take upon expiration of due process
* Recognize the action to take when VA Form 21-4140 is received after decision notice has been sent
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| Explain the following: | Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed.  |

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| Motivation | Inform the students the importance of the new procedure and how it will decrease the workload and provide a more efficient and streamlined approach to monitoring IU income.  |
| STAR Error code(s) | N/A |

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| ReferencesSlide 3 Handout pg. 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/).* [M21-1, Part IV, Subpart ii, 2. F](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014564/M21-1-Part-IV-Subpart-ii-Chapter-2-Section-F-Compensation-Based-on-Individual-Unemployability-IU), Compensation Based on Individual Unemployability (IU)
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| Topic 1: The IU Monitoring Process |
| Introduction | This topic will allow the trainee to understand the improved IU monitoring process. |
| Time Required | 0.5 hours |
| OBJECTIVES/Teaching Points | Topic objectives:* Monitoring Changes in Employability Status
* When Monitoring is no Longer Required
* Dispatch/Control of Return of VA Form 21-4140
* When HINES (ITC) Cannot Issue VA Form 21-4140

The following topic teaching points support the topic objectives: * Social Security (SSA) Wage Data Match
* Poverty Threshold
* Auto Generation, EP 600, Due Process Letter (HINES)
* Manual Generation, EP 600, Due Process (Letter Creator)
 |
| Monitoring Process*Slide 4* *Handout pg. 4*Monitoring changes in employability statusSlide 5Handout 4 | Previously VA required veterans in receipt of Individual Unemployability (IU) to recertify continued entitlement annually. This required over 300,000 VA Form 21-4140s to be mailed and returned to VA for processing and clearing of established diaries. This was a time consuming process involving several reviews, decisions and multiple controlling EPs.The new procedure based on SSA wage data match through Hines Information Technology Center (ITC) requires only those veterans with confirmed employment to return VA Form 21-4140 for continued entitlement. The new process decreases workload and provides a more efficient and streamlined approach to monitoring continued entitlement to IU. In the improved process VA requires Veterans in receipt of IU that show a SSA wage data match above the poverty threshold to recertify entitlement.Changes in employability of veterans for whom IU is established will be monitored through * a yearly Social Security (SSA) wage data match
* Veterans identified as having verified earned income over the poverty line will receive a due process letter and VA Form 21-4140, *Employment Questionnaire*, from Hines ITC.
* Veterans will be required to identify/explain their earned income

The poverty line (threshold) is determined when a veteran’s earned income does not exceed the amount established by the U.S. Census Bureau as the average poverty threshold for one person.*At this time take the employees to the U.S. Census Bureau website and review the latest poverty threshold data.*http://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html. |
| When monitoring in employability status is not requiredSlide 6Handout 4Remind employees that age 69 no longer applies when monitoring employability status | We no longer need to monitor changes in employability status when the Veteran: * has **NOT** been identified in the SSA data match as having verified earned income above the poverty line
* has an IU rating that has been in effect for 20 or more continuous years, or
* entitlement to IU has been replaced with 100-percent schedular evaluation.

**Note:** The veteran’s age is no longer a factory when monitoring changes in employability status.  |
| Dispatch/Control for Return of VA Form 21-4140Slide 7Handout 5 |

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| Follow the steps in the table below for the automated process for dispatch and control of VA Form 21-4140*.*

| **Step** | **Action** |
| --- | --- |
| 1 | Upon receipt of wage files from SSA, HINES ITC will run a data match to identify those Veterans in receipt of IU and verified earned income over the poverty line. |
| 2 | Hines ITC will automatically generate and send a notice of proposed adverse action letter with an attached VA Form 21-4140 to the identified Veterans.    |
| 3 | Hines ITC will* batch establish an EP 600 with the claim label “Predetermination – Rating Issue” to control for the return of VA Form 21-4140 and due process period.
* Set the suspense date for 65 days from the month the due process letter is issued from Hines ITC, and
* add the special issue flash, “Annual Eligibility Report” to each claim in the batch process.

**Important:** Claims processors should add this special issue flash if it was not automatically added by Hines. |
| 4 | Upon expiration of the suspense date, claim processors should refer to sections **IV.ii.2.F.5.e-h** and take appropriate action based on evidence of record.  |

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| When Hines ITC Cannot Issue VA Form 21-4140Slide 8-10Handout 5-6 | Claims identified in the income match that cannot be batch processed will require manual review and action by Regional Offices (RO).The field will be notified by the Office of Field Operations (OFO) via e-mail to RO leadership of cases in their jurisdiction (based on Veteran’s address) where the Veteran:• has been identified as being in receipt of income above the poverty threshold, and• is in receipt of individual unemployability, but • failed to receive due process through the batch process.

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| Upon receipt of notification from OFO the RO will take the following steps: |
| 1 | Establish an EP 600 with the claim label, “Predetermination – Rating Issue”* Upon establishment of an EP 600, ensure the SUPPRESS ACKNOWLEDGEMENT LETTER checkbox is selected so the Hines ITC-generated acknowledgement letter is not automatically sent to the Veteran, and
 |
| 2 | * add the special issue flash, “Annual Eligibility Report,” and,
 |
| 3 | Send the Veteran the *IU Eligibility Review Due Process* letter in Letter Creator (VSC tab) or Personal Computer Generated Letter (PCGL) to discontinue entitlement to IU based on receipt of earned income and attach VA Form 21-4140 with letter. |
| 4 | Ensure tracked items are entered for* Due process
* VA Form 21-4140
 |
| 5 | Set the suspense for 65 days. |
| 6 | Provide e-mail notice back to OFO that due process was sent on identified claims. |

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| DEMONSTRATION | **Important:** At this time please navigate to Letter Creator and review the “*IU Eligibility Review Due Process*” letter with all claims processors. Please discuss the changes and how up front due process will make it easier and faster to process changes in IU status.***Also, take this time to visit VBMS and go over the EP 600 “Predetermination – Rating Issue” and special issue flash “Annual Eligibility Report." Stress to all involved that it is everyone’s responsibility to ensure the proper EP and all applicable flashes are properly associated with the claim.***  |

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| Topic 2: Individual Unemployability Due Process |
| Introduction | This topic will allow claims processors to understand what actions are required at various points in the due process stage.  |
| Time Required | 0.5 hours |
| OBJECTIVES/Teaching Points | Topic objectives:* Determine the correct Due Process action

The following topic teaching points support the topic objectives: * VA Form 21-4140 status
 |
| Expiration of Due ProcessSlide 11-17Handout 7-9**Note:** Take this time to review VA Form 21-4140, Employment Questionnaire with employees and explain the importance of Section I and III, as it relates to this portion of the training. **Important.** Let employees know that the corporate flash “Annual IU Eligibility Review-Fraud” should be added at the earkiest opportunity that it becomes relevant. | Inform claims processors that proposed adverse action is provided as soon as the system shows a SSA data wage match. The due process notification letter is either sent automatically via Hines ITCor by RO personnel via Letter Creator. ***Please review the below table with claims processors and discuss the various stages of due process that require action.***

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| If... | Then... |
| **The VA Form 21-4140 is not returned and due process has expired** |

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| Step | Action |
| 1. | Refer the claim to the rating activity.* The rating decision should reflect a reduction to the schedular evaluation effective the date indicated in the LAST PAID DATE field on the AWARD INFORMATION tab in Share (see 38 CFR 3.501(f)) or the date specified in the notice of proposed adverse action, whichever is later. (This action should not create an overpayment.)
* The rating activity should address DEA/SMC if applicable.
 |
| 2. | Refer the claims folder to the authorization activity to reduce the award. The authorization activity will* notify the Veteran of the reduction and any loss of entitlement to DEA or SMC
* advise the Veteran that if VA receives evidence showing continued unemployability within one year of the date of the decision notice, IU will be restored from the date of reduction.
* advise the regional processing office (RPO) of jurisdiction of the loss of entitlement to DEA, if a 38 U.S.C. Chapter 35 record exists under the Veteran’s claim number.

**Reference:** For more information on RPO jurisdiction, see **M21-1, Part IX, Subpart ii, 2.8.a** |

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| **VA Form 21-4140 is returned but fails to provide an explanation of earned wages** | Since only Veterans identified in the wage data match will receive a VA Form 21-4140, wages must be explained as requested in the accompanying due process letter. Indication of non-employment is unacceptable and a fraudulent response. When reviewing the completed VA Form 21-4140, if the Veteran has checked the block indicating he/she has not been employed in the past 12 months and signs the form. Follow Steps 1-2 above AND: * Explain in the rating narrative that the reason for the rating reduction is “failure to provide requested evidence”
* Add Corporate flash, “Annual IU Eligibility Review-Fraud” to claim. (normally added at authorization)

**Important:** * If the Veteran fails to check the “No” box in the block indicating that he/she has not worked, but signs the VA Form 21-4140, indicating that he/she has not been employed by VA, others, or been self-employed at any time during the previous 12 months, the claim should still be referred to the rating board for reduction as outlined above.
* If a signed VA Form 21-4140 is received but necessary information, such as wage data, is missing or requires clarification, it is permissible to telephone the Veteran to obtain the clarifying information orally and document any contact with the Veteran on VA Form 27-0820

**Note:** a phone call cannot be used as a substitute for a non-signed form.  |
| **The VA Form 21-4140 is returned and:** * Provides wage information but is missing a signature
 | 1. Return VA Form 21-4140 to the Veteran indicating the form is incomplete (use the Letter Creator (IPC menu) and send the form Not Complete letter) and inform the Veteran a signature is required.
2. Set the suspense for 30 days.

***Note***:  If the form is* returned with a signature, follow the most appropriate procedure based on the income reported, or
* returned without a signature or Veteran fails to return form, follow the procedures in [**M21-1, Part IV, Subpart ii, 2.F.5.e**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014564/M21-1%2C-Part-IV%2C-Subpart-ii%2C-Chapter-2%2C-Section-F---Compensation-Based-on-Individual-Unemployability-%28IU%29#5f)**.**
 |
| **The VA Form 21-4140 is returned and shows the Veteran regained employment during the last 12 months, but there is no evidence of sustained employment for 12 or more consecutive months** | * refer the claims folder to the rating activity for a rating decision reflecting confirmed and continued entitlement to individual unemployability
* refer the claims folder to the authorization activity to notify the Veteran that the total evaluation will continue at the present, but,

VA will reconsider entitlement to a total evaluation should the next data match show sustained employment. |
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| **The VA Form 21-4140 shows possible gainful employment for 12 or more months** | * refer the claims folder to the rating activity
* Determine if the VA Form 21-4140 and all other evidence of record warrants discontinuation of entitlement to IU.
* Rating activity must consider whether the record shows substantially gainful employment or marginal employment as defined in **M21-1 IV.ii.2.F.1.c-f**

**References:** For more information on evaluating evidence to establish entitlement to IU see **M21-1 IV.ii.2.F.2**If the need for an examination arises, follow the guidance in **M21-1 IV.ii.2.F.2.d.** |

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| VA Form 21-4140 received after notification has been sentSlide 18Handout 9 | If we receive the Veteran’s completed VA Form 21-4140, *Employment Questionnaire,* after the notification letter has been sent follow the steps in **M21-1, III.IV.2.B** for Revision of Decision. |
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| Practical Exercise |
| Time Required | 0.25 hours |
| EXERCISE | Allow claims processors 15 minutes to complete the review exercise.Ask if there are any questions about the information presented in the exercise, and then proceed to the Review. |
| Practical ExerciseHandout 10 |  |

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| Lesson Review, Assessment, and Wrap-up |
| IntroductionDiscuss the following: | The Monitoring Changes in IU 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 Monitoring Changes to IU lesson. The trainee should be able to: * Understand how changes in employability status is monitored
* Recognize when monitoring is no longer required
* Understand the new process for dispatch/control for return of VA Form 21-4140, *Employment Questionnaire*
* Understand the action to take upon expiration of due process
* Recognize the action to take if VA Form 21-4140 is received after decision notice has been sent
 |
| 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. |