(VSR VIP Pre-D) Supplemental Claims

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 # | 4500819 |
| Prerequisites | None |
| target audience | The target audience for this lesson is **all employees that work Veteran Benefit Administration (VBA) claims.** |
| Time Required | 2 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * (VSR VIP Pre-D) Supplemental Claims PowerPoint Presentation * (VSR VIP Pre-D) Supplemental Claims 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 |
| 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 Supplemental Claims | | |
| 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 for Veteran Service Representatives (VSR). This lesson will contain discussions and exercises that will allow the VSR to gain a better understanding of:   * requirements for a claim to be considered supplemental * processing requirements for supplemental claims * procedures associated with incomplete supplemental claims |
| 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:   * Describe the background associated with supplemental claims * Define supplemental claims * Identify how supplemental claims are established * Identify prescribed forms associated with supplemental claims * Determine when a Section 5103 notice should and should not be sent for a supplemental claim * Identify how to develop supplemental claims * Identify an incomplete supplemental claim * Identify the steps for process incomplete supplemental claims | |
| Explain the following: | Each learning objective is covered in the associated topic. After the lesson, the learning objectives will be reviewed. This lesson is about supplemental claims only. | |
| Motivation | Inform trainees that this lesson topic contains information pertaining to the identification and processing of supplemental claims. This lesson will aid the VSR in better understanding the nuances associated with the supplemental claim in comparison to claims for increase or any other types of compensation claims. | |
| STAR Error code(s) | Task 1, 10, 11 | |
| References  Slide 3, 4  Handout 3 | Explain that these references are located in Live Manual and eCFR.   * [Public Law 115-55, Appeals Modernization Act of 2017](https://www.congress.gov/bill/115th-congress/house-bill/2288/text) * [38 CFR 3.159 Department of Veterans Affairs assistance in developing claims](https://www.ecfr.gov/cgi-bin/text-idx?SID=399857fa68fbe015c708a7086958e93c&mc=true&node=se38.1.3_1159&rgn=div8) * [38 CFR 3.160 Status of Claims](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=ce7e2a14fbe13490c5f628f1ea873218&ty=HTML&h=L&r=SECTION&n=se38.1.3_1160) * [38 CFR 3.2501, Supplemental Claims](https://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_12501) * [M21-1, Part I. Chapter 1, Section B, Duty to Notify under 38 U.S.C. 5102 and 5103](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014065/M21-1,-Part-I,-Chapter-1,-Section-B---Duty-to-Notify-Under-38-U.S.C.-5102-and-5103) * [M21-1, Part III. Subpart ii.2.C.6.a, Requests for Benefits Not Filed on the Prescribed Form on or After March 23, 2015.](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014115/M21-1-Part-III-Subpart-ii-Chapter-2-Section-C-Informal-Claims-Received-Prior-to-March-24-2015-Communication-of-an-Intent-to-File-ITF-and-Requests-for-Application#6) * [M21-1, Part III. Subpart ii. 2.D, Supplemental Claims](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014116/M21-1-Part-III-Subpart-ii-Chapter-2-Section-D-Supplemental-Claims?query=Supplemental) * [M21- Part III. Subpart ii. 2.D.1.e.  Requirement for Potentially New Evidence added](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014116/M21-1-Part-III-Subpart-ii-Chapter-2-Section-D-Supplemental-Claims#1f) * [M21-1, Part III.Subpart ii.2.E.1.c, Identification of Claims for Increase](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014121/M21-1,-Part-III,-Subpart-ii,-Chapter-2,-Section-E---Claims-for-Increase)  * [M21-1 Part III. Subpart iii.1.B.1.d, Claims Development by E-mail, Fax and Telephone](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014152/M21-1-Part-III-Subpart-iii-Chapter-1-Section-B-Evidence-Requested-From-the-Claimant" \l "1d) * [M21-1, Part IV. Subpart ii.1.A, Developing Compensation Claims to Include Claims Filed under 38 U.S.C. 1151](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014321/M21-1-Part-IV-Subpart-ii-Chapter-1-Section-A-Developing-Compensation-Claims-to-Include-Claims-Filed-Under-38-USC-1151) * [M21-4, Appendix C. Index of Claim Attributes](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000036570/Appendix%20C.%20Index%20of%20Claim%20Attributes#2) | |

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| Topic 1: Defining a Supplemental Claim | |
| Introduction | This topic will assist the trainee in identifying a supplemental claim. |
| Time Required | 0.5 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Identify a supplemental claim * Complete the appropriate actions to be taken when a supplemental claim is received   The following topic teaching points support the topic objectives:   * Describe the background associated with supplemental claims * Define supplemental claims * Identify how supplemental claims are established * Identify prescribed forms associated with supplemental claims * Determine when a Section 5103 notice should and should not be sent for a supplemental claim * Identify how to develop supplemental claims * Identify an incomplete supplemental claim * Identify the steps for process incomplete supplemental claims |
| Appeals Modernization Act (AMA)  Slide 5  Handout 4 | On August 23, 2017 the President signed Public Law 115-55, Appeals Modernization Act (AMA) of 2017. The intent of the law is to pursue the following initiatives:   * Modernize the current claims and appeals process * Provide for three review options for disagreements with decisions * Requires improved notification of VA decisions * Provides earlier claim resolution * Ensures Veteran receives the earliest effective date possible   The previous appeals process was a complex system which divided jurisdiction of appealed claims into different administrative processes. The process was confusing and contained many unnecessary steps. Additionally, the volume of appeals has continued to increase over the years which made resolving appeals in a timely manner difficult.  Public Law- 115-55, The Appeals Modernization Act of 2017, created a new claims and appeals process comprised of three lanes:   * A “higher-level review” by a more senior claims adjudicator * A “supplemental claim” option for new and relevant evidence * An “appeals” option for review by the Board of Veterans’ Appeals (BVA)   Under the established framework, Veterans can choose an option that meets their needs. The new framework is intended to reduce the time it takes to process, review and make a final decision, while ensuring Veterans receive a fair decision. The new framework includes safeguards to ensure that claimants receive the earliest effective date possible for their claims. |
| Definition of a Supplemental Claim  Slide 6  Handout 4-5 | A supplemental claim is any substantially complete claim for a Department of Veteran Affairs (VA) benefit, filed on a VA Form 20-0995, *Decision Review Request: Supplemental Claim,* where the claimant or his/her authorized representative disagrees with a decision made by the VA. The supplemental claim can be the result of an initial or subsequent claim decision as long as the claim is for the same or similar benefit on the same or similar basis.  **Note:** In claims for compensation a claim based on a new theory of service connection is a supplemental claim.  A theory is a means of establishing entitlement to a benefit for a disability, such as on a direct basis or a presumptive basis.  **Discuss:** Discuss the difference between a supplemental claim and a claim for increase. (See examples listed in Student Handout) |
| Supplemental Claims Establishment  *Slide 7*  *Handout 5* | Supplemental claims will be established as End Product (EP) 040 with claim label: *Supplemental Claim Rating* or *Supplemental Claim Non-Rating*.  Supplemental claims are also not established in any legacy program or in VBMS Core. They can only be established in Caseflow. Caseflow is a system operated by the appeals team or a Decision Review Operations Center (DROC). |
| Prescribed Form  *Slide 8*  *Handout 6* | Supplemental claims must be submitted on a VA Form 20-0995, *Decision Review Request: Supplemental Claim*. The supplemental claim must be complete as defined by 38 CFR 3.160, Status of Claims.  A supplemental claim not submitted on the prescribed form will be considered a Request For Application (RFA). If identified as a RFA, follow procedures outlined in M21-1.III.ii.2.C.6.a.  The *Request for Application AMA Review* letter is available in Letter Creator. |
| New and Relevant Evidence  *Slide 9*  *Handout 5*  **Potentially New Evidence**  Slide 10  Handout 6 | As described by 38 CFR 3.160, *Status of Claims*, a supplemental claim must identify or include potentially new or relevant evidence.  *Discussion:* Describe what constitutes new and relevant evidence, under 38 CFR 3.2501. The ‘relevant’ has replaced ‘material’ that had previously been required for Reconsideration and Reopened Claims.  ***New evidence*** is evidence not previously part of the actual record before agency adjudicators.  ***Relevant evidence*** is information that tends to prove or disprove a matter at issue in a claim.  Relevant evidence includes evidence that raises a theory of entitlement that was not previously addressed.  **Stress** that if the claim does not identify or include potentially new evidence, it is processed as an incomplete application. Discuss that a supplemental claim filed under a different theory of service connection would constitute new and relevant evidence, as would the need to develop for a special issue identified in M21-1 I..1.B.1.f as a result of the new theory being proposed.  To be considered a complete claim, a supplemental claim *must* identify or include potentially new evidence.  **III.ii.2.D.1.e.  Requirement for Potentially New Evidence**  ***Potentially new evidence*** is evidence that *may* be new to the claim, thereby providing some potential basis for a supplemental claim.  When deciding if a supplemental claim is substantially complete, there is no need to determine that the evidence is non-duplicative or that it is relevant.  Any evidence must be accepted when making the complete claim threshold determination.  ***Emphasize Note***: Once a claim is considered substantially complete, a decision must be issued on the basis of whether the evidence is new and relevant as described in [M21-1, Part III, Subpart iv, 2.B.3.e](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015808/M21-1,-Part-III,-Subpart-iv,-Chapter-2,-Section-B---Revision-of-Decisions). |
| **Duty to Provide Section 5103 Notice**  Slide 11-12  Handout 6  **Instructor note:** Show, discuss and examine the VA Form 20-0995 with the trainees, making sure to point out Item 16. | Do not provide Section 5103 notice for a supplemental claim that is filed within a year of the date VA issues notice of a prior decision on the same issue.  If the supplemental claim for the same issue is filed **more** **than a year** after the prior decision , review Item 16, *5103 Notice Acknowledgement* on the VA Form 20-0995, *Decision Review Request: Supplemental Claim* to determine if the claimant received electronic Section 5103 notice.  There is no need to send a 5103 if Item 16 on the VA Form 20-0995, *Decision Review Request: Supplemental Claim*, **is** selected, as this indicates that the Veteran received an electronic version of the Section 5103 notice.  Additionally, if the evidence of record, to include VA Medical Center records, is sufficient to substantiate a claim and award the maximum benefit sought, there is no need to send a 5103.  If the previous 5103 did not include information and evidence necessary to substantiate the claim type, such as a special issue identified in M21-I.1.B.1.f then send a new 5103. If required to send another because of missed special development, provide the statement provided in M21-1 I.B.1.m. |
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| Supplemental Claim Development  *Slide 13*  *Handout 6-7*  Discussion | Supplemental claim development is similar to the previous “Reopen and Reconsideration” claims. However, there are changes to the procedure.  The largest change is the requirement for a new prescribed form, the VA Form 20-0995, *Decision Review Request:* *Supplemental Claim*.  As mentioned earlier, supplemental claims are established in Caseflow and not in the VBMS Core system. Even though the supplemental claim is established in Caseflow, the development of the supplemental claim will be completed through the VBMS Core system.  The supplemental claim, once verified as substantially complete and as a valid supplemental claim, should be processed in the same manner as any other claim and as described in M21-1 IV.ii.1.A.1.a.  Although the steps necessary to process a supplemental claim do not vary significantly from any other claim, it is important to place a continuous emphasis on system errors, special issues and flashes. The lack of previous notification of special issues, may have contributed to the reasoning for the supplemental claim being filed, thus an emphasis on the special issue notification addition in 5103 should be addressed.   * Ensure that appropriate flashes are established in Corporate. * Ensure contentions are correct. * Ensure appropriate Special Issues have been placed on one contention in VBMS Core as well as specifically to issues that may require special issue development. * Ensure 5103 requirements for supplemental claims are complied with;   + If submitted within a year of previous decision for same issue, a 5103 is not required   + If there is a current claim pending a 5103 is not required   + If outside the year, and the veteran checks the 5103 acknowledgement on the 0995, no 5103 notice is needed * Once development actions have been completed as outlined in M21-1 IV.ii.1.A.1.a., have been complied and tracked items are closed, forward the case to rating.   **Note:** Please provide common mistakes or lessons learned with the class regarding supplemental claims evidence. |

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| Topic 2: Processing Incomplete Supplemental Claims | |
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| **INTRODUCTION** | This topic will assist the trainee in understanding the procedures associated with identifying and processing an incomplete supplemental claim. |
| **TIME REQUIRED** | 0.5 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:  The following topic teaching points support the topic objectives:   * Identifying an incomplete supplemental claim * Steps necessary in handling an incomplete supplemental claim |
| **Identifying an Incomplete Supplemental Claim**  *Slide 14*  *Handout 8* | When reviewing a supplemental claim, make sure to determine if the supplemental claim is substantially complete.  When determining if the claim is substantially complete, ask the following questions:   * Is the claim filed on completed VA Form 20-0995? * Does the claim have new evidence?   **Stress**the first review the claim to determine if it is actually a claim for increase, rather than a supplemental claim. |
| **Processing Incomplete Claims**  *Slide 15-17*  *Handout 8,9* | If after review of the claim the requirements for a supplemental claim have not been met, follow the procedures outlined below in accordance with M21-1 I.1.B.1.g.   1. Whenever possible, contact the claimant first by telephone to obtain the information needed to complete the application. If contact has been made ensure that appropriate contact procedures are taken to include the completion of the VA Form 27-0820, Report of General Contact. 2. If the information needed to substantiate the claim cannot be obtained by telephone, complete a note in VBMS Core indicating the action that is necessary and why the telephone development was not adequate.    * Establish an EP 400 or change incorrect EP to a 400, to control the correspondence and use the *Incomplete Application* claim label.    * Use the date that the application was received as the control date.    * Cancel any other EP that has been erroneously established.    * Annotate in the document’s subject the EP initiating correspondence with “incomplete application”. 3. Prepare the *Incomplete Application* letter included in the Letter Creator tool or an equivalent letter from Personal Computer Generated Letters (PCGL). The notice must include the following information:    * The information that the VA needs to consider the application complete, including the specific section (s) and question numbers that require completion.    * A statement that failure to submit a substantially complete application within the required time period of **60 days** will result in no benefit being paid or furnished. 4. Add the letter to the claims folder and place subject line “Incomplete Application Notification” 5. Use the Package Manager to submit the *Incomplete Application* letter and *incomplete application* for printing and mailing to the claimant and the claimant’s representative (if any) through Centralized Benefits Communication Management. 6. Clear the corresponding EP 400.   If the substantially complete claim is submitted within the required time period (60 days) from incomplete application notification consider the complete application filed as of the date the incomplete application form was received, and use the **date of receipt** of the complete claim as the date of claim M21-1 I.1.B.1.g.  If review of an incomplete application reveals that additional evidence exists that could be relevant to the corresponding claim, simultaneously ask the claimant to provide both the additional evidence *and* the information that is missing from the application.  **Note 1:** Directions pertaining to the usage of the package manager will be discussed in a separate class. The Package Manager class can be found in the VBA Learning Course Catalog using course ID 4415957.  **Note 2:** M21-1 III.iii.1.B.1.d outlines development actions that are able to be completed without written correspondence if contact is able to be made with claimant. |

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| Practical Exercise | |
| Time Required | 0.5 hours |
| EXERCISE | Direct the trainees to work on and complete the Practical Exercise on page 10-11 of the trainee handout. Go over the answers after providing time to work on 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 (VSR Challenge) Supplemental Claims 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 (VSR VIP Pre-D) Supplemental Claims lesson.  The trainee should be able to:   * Describe the background associated with supplemental claims * Define supplemental claims * Identify how supplemental claims are established * Identify prescribed forms associated with supplemental claims * Determine when a Section 5103 notice should and should not be sent for a supplemental claim * Identify how to develop supplemental claims * Identify an incomplete supplemental claim * Identify the steps for process incomplete supplemental claims |
| 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. |