Introduction to Compensation 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 # | 4505005 |
| Prerequisites | Trainees should also have completed the Introduction to Standard Forms and Complete Application and Payee Codes lessons first. |
| target audience | The target audience for this lesson is Claims Assistants, Entry, Intermediate or Journey Level.Although this lesson is targeted to teach the CA, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 2 hours  |
| Materials/TRAINING AIDS | Lesson materials:* Introduction to Compensation Claims PowerPoint
* Introduction to Compensation Claims Trainee Handout
* Introduction to Compensation Claims Answer Key
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| 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
* Access to VBA Intranet
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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.
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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.
* 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 Compensation Claims |
| 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 introduce the trainees to Initial and Original Claims, Increase Claims and Secondary Compensation Claims. This lesson will contain discussions and exercises that will allow the audience to gain a better understanding of: * Initial Claims
* Supplemental Claims
* Increase Claims
* Claims for Secondary Service Connection
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| Lesson ObjectivesDiscuss the following:Slide 2Handout 2 | In order to accomplish the purpose of this lesson, the CA will be required to accomplish the following lesson objectives.TheCAwill be able to: * Recognize initial claims
* Identify supplemental claims
* Identify increase claims
* Identify claims for secondary service connection
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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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| ReferencesSlide 3Handout 3 | Explain where these references are located in the workplace.* [38 CFR 3.150](http://www.ecfr.gov/cgi-bin/text-idx?SID=d4ce917b5f7da61f3fcc7a701a14e3bd&mc=true&node=pt38.1.3&rgn=div5#se38.1.3_1150), Forms to be furnished
* [38 CFR 3.151(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=d4ce917b5f7da61f3fcc7a701a14e3bd&mc=true&node=pt38.1.3&rgn=div5%20-%20se38.1.3_1150#se38.1.3_1151), Claims for disability benefits
* [38 CFR 3.155](https://www.ecfr.gov/cgi-bin/text-idx?SID=d4ce917b5f7da61f3fcc7a701a14e3bd&mc=true&node=pt38.1.3&rgn=div5%20-%20se38.1.3_1150), How to File a Claim
* [38 CFR 3.160](http://www.ecfr.gov/cgi-bin/text-idx?SID=d4ce917b5f7da61f3fcc7a701a14e3bd&mc=true&node=pt38.1.3&rgn=div5%20-%20se38.1.3_1150#se38.1.3_1160), Status of claims
* [38 CFR 3.310(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=d4ce917b5f7da61f3fcc7a701a14e3bd&mc=true&node=pt38.1.3&rgn=div5%20-%20se38.1.3_1150#se38.1.3_1310), Disabilities that are proximately due to, or aggravated by, service connection disease or injury
* [M21-1, Part III, Subpart ii, Chapter 2, Section 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)
* [M21-1, Part III, Subpart ii, Chapter 2, Section E, 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 IV, Subpart ii, Chapter 2, Section B, Topic 5, Determining Secondary Service Connection, Including by Aggravation](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014553/M21-1-Part-IV-Subpart-ii-Chapter-2-Section-B-Determining-Service-Connection-SC%22%20%5Cl%20%225)
* [M21-4, Appendix C, Section I – Claim Labels](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#1)
 |
| Prescribed Form REMINDERSlide 4Handout 4 | Remind trainees that beginning March 24, 2015, all claims governed by VA’s adjudication regulations must be filed on standard forms prescribed by the Secretary. Direct the trainees to [M21-1, Part III, Subpart ii, Chapter 2, Section B](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014119/M21-1-Part-III-Subpart-ii-Chapter-2-Section-B-Claims-for-Disability-Compensation-and-or-Pension-and-Claims-for-Survivors-Benefits) for a complete list of forms that must be submitted for a claim, on or after March 24, 2015.Remind trainees that VA EZ forms provide the required Section 5103 language for the majority of claims filed. Statements received without a prescribed form will be considered a request for application, if received on or after March 24, 2015. |

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| Topic 1: Initial and Original Claims |
| Introduction | This topic will allow the trainee to gain a better understanding of development requirements for original claims. |
| Time Required | 0.25 |
| OBJECTIVES/Teaching Points | Topic objectives:* Recognize initial claims
* Identify original claims

 The following topic teaching points support the topic objectives: * Definition of initial and original claims
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| Definition of Initial/Original ClaimSlide 5-6Handout 5 | Claim means a written or electronic communication requesting a determination of entitlement or evidencing a belief in entitlement, to a specific benefit under the laws administered by the Department of Veterans Affairs submitted on an application form prescribed by the Secretary. * Initial claim. An initial claim is any complete claim, other than a supplemental claim, for a benefit on a form prescribed by the Secretary. The first initial claim for one or more benefits received by VA is further defined as an **original claim**. (See original claim, §3.160(b)). Initial claims include:
	+ A new claim requesting service connection for a disability or grant of a new benefit, and
	+ A claim for increase in a disability evaluation rating or rate of a benefit paid based on a change or worsening in condition or circumstance since the last decision issued by VA for the benefit.

Remind the trainees that the claim should be on a prescribed application. **Demonstrate** In SHARE how to review the “Inactive Comp & Pen” tab in BIRLS. There should be no entries in the *Diagnostics* table, *Entitlement Code* field or *Reason for Termination or Disallowance* field. Entries in any of these would indicate that there was a previous claim for benefits and therefore would be either an initial claim or a supplemental claim. A claim is considered an original claim until the resolution of that claim (the EP has to be cleared or closed). The EP will remain opened until all issues have been decided. Discuss how a Veteran or claimant can only have one original claim. |
|  | Remind the trainees of the proper End Product that should be used for initial/original claims: 110, 010, 180, 140 or 190, 020.Explain to the trainees how claim labels provide a more specific description of a claim and selecting the proper claim label assists in the processing of that claim.Show the trainees the list of claim labels found in [M21-4, Appendix C, Section I – Claim Labels](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#Ib). |
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| Topic 2: Supplemental Claims |
| Introduction | This topic will provide a better understanding of supplemental claims. |
| Time Required | 0.5 hours |
| OBJECTIVES/Teaching Points | Topic objectives:* To define supplemental claims.

The following topic teaching points support the topic objectives: * Form requirements for supplemental claims
* Establishment in Caseflow
 |
| Supplemental ClaimsSlide 7-8Handout 6 | A ***supplemental claim*** is any complete claim for a Department of Veterans Affairs (VA) benefit on a prescribed application form where the claimant or his/her authorized representative disagrees with the decision VA made on an initial or supplemental claim for the same or similar benefit on the same or similar basis. |
| Same or Similar Benefit on Same or Similar BasisClaim Labels for Supplemental ClaimsSlide 8Handout 6 | Generally, the ***same or similar benefit on the same or similar basis*** means VA has previously decided a claim for the same benefit type.  ***Examples of types of benefits***:* service connection (SC) for right knee arthritis
* entitlement to individual unemployability
* SC for cause of death, and
* entitlement to non-service-connected pension

***Important***:  In claims for compensation, a claim based on a new theory of SC is a supplemental claim.  A new theory of SC (for example, when direct SC was previously denied, and secondary SC is now claimed) is sufficient new and relevant evidence to satisfy the evidentiary threshold discussed in [M21-1, Part III, Subpart ii, 2.D.1.e](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=%22supplemental%20claim%22#1e).Discuss with the trainees that an EP 040 will be used for supplemental claims and the proper claim label can be found in M21-4, Appendix C, Section I, b. |
| Prescribed Supplemental Claim Form *Slide 8**Handout 6* | Supplemental claims must be submitted on the prescribed supplemental claim form, *VA Form 20-0995, Decision Review Request: Supplemental Claim*.**Note:** If the veteran submits a VA Form 21-526EZ requesting a disability that was previously denied in a prior rating decision then consider this a request for application. This would be a supplemental claim and requires ***VA Form 20-0995*** (M21-1, Part III, Subpart ii, 2.B.1.b.) |
| Supplemental Claims Establishment*Slide 8**Handout 6*Duty to Provide Section 5103 NoticeSlide 8Handout 6ITF and Supplemental ClaimsHandout 7Handling Incomplete Supplemental ClaimsHandout 7 | All supplemental claims must be established in Caseflow using the appropriate end product (EP), claim label, and any applicable special issues.**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.For supplemental claims filed more than a year after the prior decision on the same issue, review the claimant’s selection for the 5103 Notice Acknowledgement, Item 16 on VA Form 20-0995, to determine if the claimant received electronic Section 5103 notice. If the claimant checked the box in Item 16, there is no need to provide a Section 5103 notice.**Important:** Inform employees that an intent to file is never to be associated with a supplemental claim.If the claimant submits a supplemental claim that is not substantially complete follow the procedures in M21-1, Part I, 1.B |

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| Topic 3: Claims for Increase |
| Introduction | This topic will allow the trainee to gain a better understanding of the development requirements and procedures for a claim for increase. |
| Time Required | 0.25 hours |

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| OBJECTIVES/Teaching PointsDefinitionSlide 9Handout 7Types of Claims for Increase**Prescribed Form for a Claim for Increased Compensation** | Topic objectives:* Recognize a claim for increase

The following topic teaching points support the topic objectives: * Definition
* Types of claims for increase

Per [38 CFR 3.1(p)(1)](https://www.ecfr.gov/cgi-bin/text-idx?SID=5cf1f2b378ba58835c2586175cc4386b&mc=true&node=se38.1.3_11&rgn=div8), a *claim for increase* is a type of initial claim that requests an increase in a disability evaluation or rate of a benefit being paid based on a change or worsening in condition or circumstance since the last decision issued by the Department of Veterans Affairs (VA) for the benefit.Claims for increase may include, but are not limited to, claims for* increased service-connected (SC) compensation including
	+ increased disability evaluation, and/or
	+ entitlement to special monthly compensation (SMC)
* an increased rate of benefits due to the addition of a dependent, or
* increased non-service-connected (NSC) pension including a claim
	+ showing either a reduction of, or a deduction from, income, or

for entitlement to special monthly pension (SMP).A claim for an increased evaluation in an SC disability must be filed on *VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits*, or other prescribed form appropriate to the specific type of increased compensation sought. |

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| Topic 4: Claims for Secondary Service Connection |
| Introduction | This topic will allow the trainee to gain a better understanding of the development requirements and procedures for a claim for secondary service connection. |
| Time Required | 0.25 hours |
| OBJECTIVES/Teaching Points | Topic objectives:* Identify claims for secondary service connected

The following topic teaching points support the topic objectives: * Definition
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| DefinitionSlide 10Handout 8Discuss with employees the importance of reviewing efolder and prior ratings | Per [38 CFR 3.310(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=b37422caf145c28ee1ed9cdc3eeb4cba&mc=true&node=se38.1.3_1310&rgn=div8) and [38 CFR 3.310(b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=b37422caf145c28ee1ed9cdc3eeb4cba&mc=true&node=se38.1.3_1310&rgn=div8), secondary service connection (SC) may be awarded for the following:* disabilities that are proximately due to, or the result of, a SC condition, or
* the increase in severity of a non-service-connected (NSC) disability that is attributable to aggravation by a SC disability, and not to the natural progression of the NSC disability.

If the claimant claims a disability secondary to a service connected condition and never previously claimed the secondary disability on a direct basis then this would be an initial claim. These claims will be submitted on VA Form 21-526EZ.However, these types of claims can be supplemental claims, so it is important to review the efolder to determine if the disability claimed as secondary was previously filed on a direct basis. If the disability claimed now as secondary was previously claimed direct, then this is a supplemental claim and as such requires submittal on the prescribed form. If the veteran submitted a request on any form other than VA Form 20-0995 follow the request for application procedure. The veteran normally will explicitly claim disabilities secondary on their application.Remind the trainees that when establishing these claims, the proper claim type should be labeled as ‘Secondary.’ |
| Practical Exercise |
| Time Required | 0.25 hours |
| EXERCISE*Handouts 9-10* | Refer the trainees to the practical exercise in the handout. 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 |
| IntroductionDiscuss the following: | The Introduction to Original, Non-Original, Reopened Claims, Reconsideration, Increase and Secondary Compensation 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 Introduction to Original, Non-Original, Reopened Claims, Reconsideration, Increase and Secondary Compensation Claims lesson. The trainee should be able to: * Initial Claims
* Supplemental Claims
* Increase Claims
* Claims for Secondary Service Connection
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| Evaluation | Remind the trainees to complete the online evaluation in TMS to receive credit for completion of the course. |