



Pension & Fiduciary Service

Inquiry Response Highlights

November 2020

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PENSION MANAGEMENT CENTER RELATED INQUIRIES

AUTOMATION-RELATED CHANGES

Target Audience: PMC Claims Processors

Background: The Milwaukee PMC had requested clarification concerning automation related changes.

Question 1: It appears that at least several burials are pulling every evening for automation, even when the burial is not ready to be worked. For example, a claim that was developed is being pulled nightly to try to auto-generate, then off-ramps, and ends up in a VSR's queue, only to have the suspense date updated to match the development we're waiting for (so that it will leave the VSRs queue) and go through the process all over again the next day. Is it possible to stop the claim from entering the automation cycle after it has failed automation one time? If this isn't possible, what is the process when these claims are off-ramped each day? Anytime a VSR updates the

suspense date they receive transaction credit which can be pulled for quality review. Could something be added to the manual so that errors are not called on VSRs for arbitrarily updating suspense dates based on automation? Also, VSRs are clearing 160s when they don't clear in automation. Is this the appropriate action?

P&F Service Response 1: All eligible claims are run through pension automation each night. However, if there is an open tracked item, the suspense date and reason are left alone. This was addressed in the September 25, release.

Currently, pension automation cannot award transportation. When eligibility is shown and an amount is claimed, pension automation will process the burial and plot decisions, if claimed, and continue the award at authorization for the field to process the transportation claim. The field will clear the EP 160 with the transportation claim and send notification to the claimant. If there is no transportation issue and pension automaton failed to close the claim, a claims processor can clear the EP 160.

Question 2: Will certain types of flashes discourage automation of claims? For example, the "Attorney Fee" flash is added to claims that need an attorney fee processed before a claim is cleared. It seems necessary in this case to off-ramp a claim when the flash is entered. In this specific scenario, if the claim is automatically granted when there is an attorney fee flash, due process would need to be issued to recoup the payment necessary to issue to the attorney (I.3.C.9.a.). If claims with this flash are cleared, will there be a follow-up process such as a system-generated message for follow-up action?

P&F Service Response 2: The following flashes are excluded from pension automation:

- Blue Water Agent Orange
- Nehmer Phase II
- Nehmer AO Peripheral Neuropathy
- Non-Nehmer AO Peripheral Neuropathy

P&F Service will conduct a review to determine which additional flashes to exclude from pension automaton to include Attorney Fee.

Question 3: We have also found several automated burial awards that have paid more than the claimant is entitled to. For example, a widow marks that the veteran died in a VAMC, but we can see from our records that he did not (). Another example we've come across is the claimant tells us on the application that they incurred expenses for plot, but also tells us the veteran's remains were cremated and are at home. Should the difference in the amount paid versus what we should have paid be written off as an administrative error when we have information of record at the time the decision was

made that shows that we should have paid the lower amount? If so, does due process need to be sent notifying the claimant telling that we paid them in error? Because burial benefits are a one-time benefit it seems possible to make an exception to exclude due process. Instead, contemporaneous notice seems to suffice when there is no adverse action being taken due to writing off the overpayment (I.2.D.3.a.). We could still require the administrative error be part of the VBMS record so that we know the overpayment has been addressed.

P&F Service Response 3: If automation pays an incorrect amount, an administrative error may be called. However, this can only be done after due process is provided and after a thorough review of the individual circumstances of each claim. Please follow the instructions in M21-1 Part III, Subpart v, 1.I.3. On November 9th, 2020, P&F Service updated M21-1 Part III, Subpart v, 1.I.3.c to clarify that erroneous pension automation decisions can be considered administrative decisions after full review.

Result: Clarification provided.

FIDUCIARY HUB RELATED INQUIRIES

QUESTION REGARDING TELEPHONE FOLLOW UP FIELD EXAMS*

Target Audience: Fiduciary Hub personnel

Background: The Lincoln Fiduciary Hub submitted a question regarding telephone follow up field exams.

Question 1: Do we send a FB Fiduciary Notification Letter to the fiduciary following the completion of a Telephonic field exam?

P&F Response 1: Per FPM, Part I, 2.D.5.a, telephone field examinations are used to monitor beneficiary well-being and assess the beneficiary-fiduciary relationship; detailed financial information is not gathered. Per FPM, Part I, 2.D.2.b, only the beneficiary is contacted during a scheduled follow-up field examination unless an area of concern is identified by the beneficiary or the beneficiary cannot be contacted. Due to this, the FB Fiduciary Notification Letter would not be appropriate, as it contains financial information not covered within the scope of the examination.

Question 2: If not, what notification letter do we send the fiduciary after the completion of a telephonic field exam?

P&F Response 2: A telephone field examination resulting in the continuation of the fiduciary, only needs to be documented on the VA Form 27-0820, Report of General Information mentioned in FPM, Part I, 2.E.1.d. No notification letter is required.

Result: Clarification provided.

*This same inquiry and response was documented on the 'FPM Rewrite and Post-VBMS Procedural Inquiry Responses' document disseminated to the Fiduciary Hubs on December 4, 2020.

FPM GUIDANCE - 12 POINT PLAN (FIELD EXAM PROCESS) *

Target Audience: Fiduciary Hub personnel

Background: A Fiduciary Hub submitted a question regarding if LIEs can close out field examination reports

Question 1: May LIEs close out field examination reports that do not require award promulgation?

P&F Response 1: The intent of Initiative 6 of the Fiduciary Modernization 12-pt. plan was to remove the five identified handoffs so as to “expeditiously process final incompetency rating and fiduciary appointments.” The stages referenced there are fiduciary actions which require award promulgation. Since those actions must go to an FSR to promulgate, the intermediary actions of the LIE were removed and the roles of the FSR and FE were expanded. The 12-point plan does not state that LIEs cannot close any field exams, just that they should not be involved in that specific portion of the process. All of this was reflected in the FPM. The ideal scenario is to have the FSR complete all exam closure activities for full expediency and consistency; however, staffing and workload constraints may not make this feasible and the [FPM Prologue](#) specifies that the FPM is not intended to determine workload assignments.

[FPM, Part I, 2.E](#) repeatedly refers to “hub personnel” or “hub employee” when providing guidance on field examination documentation (with specific exception to fee approval). The intent of this language was to allow for flexibility without undermining the intent of the modernization plan. Additional guidance in the FPM regarding this subject is as follows:

[FPM, Part I, 1.B.6](#) (LIE Responsibilities) - There is no specific provision indicating an LIE is responsible for generating and sending notification letters or establishing tasks

and EPs. However, block 'a' outlines that the LIE does share responsibility with other hub personnel to make "*administrative and quasi-legal determinations involving the overall supervision of beneficiary VA funds under management (FUM) and the protection of rights to benefits.*" Block 'd' also outlines that the LIE is responsible for completed CFID actions when assigned.

1. [FPM, Part I, 1.B.7](#) (FSR Responsibilities) – Block 'c' clearly specifies that an FSR is responsible for generating and sending notification letters and establishing tasks and EPs in addition to authorizing fees and appointments. However, it does not specifically limit this activity to FSRs. The language is as follows:

As part of the Promulgation Team, FSRs have additional responsibilities associated with the appointment of a fiduciary. These responsibilities include, but are not limited to

1. *approving*
 1. *fiduciary fees, and*
 2. *appointment of fiduciary*
 2. *generating and ensuring the sending of beneficiary and fiduciary notification letters, and*
 3. *establishing appropriate*
 1. *tasks, and*
 2. *EPs.*
2. [FPM, Part I, 1.A.3.a](#) (Responsibilities of the FHM) – indicates that FEs, LIEs and FSRs have the delegated authority to sign correspondence as follows:

Authority to sign correspondence, such as letters and internal memos relating to fiduciary matters, may be delegated to supervisory personnel, Field Examiners (FEs), FSR and Legal Instruments Examiners. Delegations to sign correspondence should not be given to clerical personnel. Employees are permitted to sign their own names to correspondence concerning cases for which they are responsible.

3. [FPM, Part I, 2.E.1.I](#) (Completing the Field Examination When No Additional Actions are Needed) – specifies that the field examination needs to be completed in VBMS by the hub employee who conducted the field examination when no additional actions are needed. This may be a potential conflict; however, some field exam types would not be completed by the FSR (telephonic contact) so the existing reference would not require FSR involvement. For those field exams

which do not need award promulgation, the hub employee is to ensure all documentation is uploaded to the eFolder, clear the EP, and update the beneficiary and fiduciary profiles.

In terms of completing the exam closure work, although the LIE responsibilities do not specifically outline these activities, LIEs still have the delegated authority to sign correspondence; and, the LIE responsibilities require an LIE to make determinations involving overall supervision of VA FUM and beneficiary rights. FPM guidance does not restrict the task of closing field examinations to FSRs. Generally, it is the FSRs responsibility (specifically for exams requiring award action) to close the field examination, but it is still possible for an LIE to complete the activity when appropriate.

Result: Clarification provided.

*This same inquiry and response was documented on the 'FPM Rewrite and Post-VBMS Procedural Inquiry Responses' document disseminated to the Fiduciary Hubs on December 4, 2020.

P&F SERVICE INFORMATION

P&F SERVICE CONTACT INFORMATION

Policy and Procedure questions from the PMCs or Fiduciary Hubs should be submitted to P&F Service at [VAVBAWAS/CO/P&F POL & PROC](#) by the Quality Review coach or PMC/Fiduciary HUB Division Management.

All inquiries sent to the Policy and Procedures Mailbox must include the references previously researched, key words or phrases used to search in CPKM. P&F Service is available to assist when there is confusion about a certain policy or procedure, however, PMCs and Fiduciary Hubs are required to research and attempt to resolve the issue before sending the question to the P&F Service Policy and Procedures Mailbox. Additionally, including all words used to search topics in CPKM will allow P&F Service to add those search words into CPKM if they were not already in the metadata for a certain manual reference.

Training and Quality questions can be directed to: [VAVBAWAS/CO/P&F TNG QUAL OVRST](#).

Systems-related questions can be directed to: [VAVBAWAS/CO/P&F BUS MGMT](#).

DISCLAIMER

Please note that all responses provided are for informational purposes only. If changes to the M21-1 Adjudication Procedures Manual or Fiduciary Program Manual (FPM) are needed, they are made in conjunction with the response. The M21-1 and FPM supersede any inquiry response.