

ESTABLISHING VETERAN STATUS
INSTRUCTOR LESSON PLAN
TIME REQUIRED: 3 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 # 609920

PREREQUISITES Prior to this lesson, the Veteran Service Representatives (VSRs) should have 0-6 months of VSR experience. Trainees should also have completed the lesson on VA Reference Materials.

TARGET AUDIENCE The target audience for Establishing Veteran Status is VSR Entry Level. Although this lesson is targeted to teach the VSR Entry Level employee, it may be taught to other VA personnel as mandatory or refresher type training.

TIME REQUIRED 3 hours

**MATERIALS/
TRAINING AIDS** Lesson materials:

- Establishing Veteran Status PowerPoint Presentation
- Establishing Veteran Status Trainee Handouts
- Establishing Veteran Status Answer Key

TRAINING AREA/TOOLS The following are required to ensure 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
- Compensation Service 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 to 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 easel 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 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 easel chart and the associated markers are available.
- Provide a sign-in sheet and at the conclusion of the session, ensure that all trainees signed in.

INTRODUCTION TO ESTABLISHING VETERAN STATUS

INSTRUCTOR INTRODUCTION

Complete the following:

- Introduce yourself
- Orient learners to the facilities
- Ensure that all learners have the required handouts

TIME REQUIRED

.25 hours

PURPOSE OF LESSON

Explain the following:

This lesson is intended to educate trainees on the criteria for which an individual must meet to be considered a Veteran for VA purposes. This lesson will contain discussions and exercises that will allow you to gain a better understanding of:

- VA Benefits Entitlement Criteria
- Veteran Status Verification Requirements

LESSON OBJECTIVES

Discuss the following:

In order to accomplish the purpose of this lesson, the VSR will be required to accomplish the following lesson objectives:

Slide 2

The VSR will be able to:

Handout 2

- Given the trainee handout packet and references, identify VA benefits entitlement criteria, with 85% accuracy.
- Given the trainee handout packet and references, distinguish Reservist qualification criteria, with 85% accuracy.
- Given the trainee handout packet and references, distinguish the discharge conditions that entitle an individual to Veterans benefits, with 85% accuracy.
- Given the trainee handout packet and references, identify acceptable evidence for verification of service, with 85% accuracy.

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

A newly discharged Veteran applied for VA benefits. Upon review of the BIRLS record, the VSR determined that the claimant had not attained Veteran status because she had only been in the military for two months. The record showed that she was discharged for an injury she incurred during her second phase of basic training.

The VSR prepared a disallowance indicating the claimant did not meet the 2-year minimum service requirement, therefore, benefits could not be paid. A Senior VSR explained that the 2-year minimum service requirement is not applicable in this case because the claimant was

discharged as a result of an injury that occurred during basic training.

The claim was developed and subsequently granted, resulting in the Veteran receiving compensation for her injury. She was also eligible for Vocational Rehabilitation, which allowed her to receive additional training necessary to secure a job.

STAR ERROR CODE(S)

The Systematic Technical Accuracy Review (STAR) Program reviews cases and considers them either “accurate” or “in error” for the purposes of measuring a station’s technical accuracy.

A B2 STAR error code would be given if there was development needed to aid in determining the eligibility of a claimant’s service. A C1 STAR error code would be given if the Rating Veteran Service Representative (RVSR) granted benefits when there was no qualifying service. All claimants must meet the criteria requirements in order to be considered eligible for VA benefits.

The B2 and C1 STAR error codes are located in the Rating-Related End Product Review under Benefit Entitlement. B2 STAR errors relate specifically to proper development, and C2 STAR errors relate specifically to whether to grant or deny entitlement. Please see the table listed below:

BENEFIT ENTITLEMENT	
Address All Issues	
A1	Were all claimed issues addressed?
A2	Were all inferred and/or ancillary issues addressed?
Proper Development	
B1	Was VCAA pre-decision "notice" provided and adequate?
B2	Does the record show VCAA compliant development to obtain all indicated evidence (including a VA exam, if required) prior to deciding the claim?
	If 'no,' specify deficiency: Private medical, VA exam, VAMC records, medical opinion, service records, other
Grant or Deny	
C1	Was the grant or denial of all issues correct?
C2	Was the percentage evaluation assigned correct (including combined evaluation)?
Award Actions	
D1	Are all effective dates affecting payment correct?
D2	Were all payment rates correct?

REFERENCES

Explain where these references are located in the intranet.

Slide 3

Handout 3

- 38 U.S.C. 101 (2)
- 38 U.S.C. 101 (24)
- 38 CFR 3.1 (b) - (d)
- 38 CFR 3.12
- 38 CFR 3.13
- 38 CFR 3.14
- 38 CFR 3.203
- 38 CFR 3.4 (b)
- 38 CFR 3.6 (a) – (e)
- 38 CFR 3.7
- M21-1MR III.ii.6.2
- M21-1MR III.ii.6.3
- M21-1MR III.ii.6.4
- M21-1MR III.ii.6.5 and 6
- M21-1MR III.iii.2
- M21-1MR III.v.1.B
- C&P FAQ dated September 28, 2005
- C&P FAQ dated February 10, 2009
- VAOPGCPREC 16-99
- VBA Letter 20-09-14

TOPIC 1: VA BENEFITS ENTITLEMENT CRITERIA

INTRODUCTION This topic will allow the trainees to gain an understanding of the basic entitlement criteria for which an individual is granted Veteran status. The topic will also differentiate the types of Reserve service that qualify an individual for Veteran status.

TIME REQUIRED 1 hour

OBJECTIVES/TEACHING POINTS Topic objectives:

- Given the trainee handout packet and references, identify VA benefits entitlement criteria, with 85% accuracy.
- Given the trainee handout packet and references, distinguish Reservist qualification criteria, with 85% accuracy.

The following topic teaching points support the topic objectives:

- Definition of a Veteran
- Reservist Qualifications

Definition of a Veteran A “Veteran” is a person who served in the active military, naval, or air service and was discharged or released under conditions other than dishonorable.

Slide 4

Handout 4

NOTE(S) Refer the trainees to 38 CFR 3.7 for an in-depth breakdown of the groups that are considered active military, naval, or air service.

Active Duty Qualifications

Active Duty consist of:

- Full time occupation in the military, naval, or air service
- Any period of Active Duty for Training (ADT) during which a person is disabled or dies from:
 - A disease or injury incurred or aggravated in the line of duty, or
 - An acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident while proceeding directly to, or returning directly from, a period of active duty for training,
- Any period of Inactive Duty for Training (IDT) during which a person is disabled or dies from:
 - an injury incurred or aggravated in line of duty
 - an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident that occurred during such training or while proceeding directly to, or returning directly from, such training

Slide 5

Handout 4

*Minimum Active
Duty Service
Requirements*

In order to fulfill the minimum Active Duty service requirements, an individual must have undergone a full period of Active Duty or 24 continuous months; whichever duration is shorter.

Slide 6

38 CFR 3.12a mandates that the minimum Active Duty service requirement must be met by all persons, including officers, who:

Handout 4

Originally enlisted in a regular component of the Armed Forces after September 7, 1980

Entered on active duty after October 16, 1981

Have neither previously (before October 16, 1981) completed a continuous period of Active Duty of at least 24 months nor been discharged or released from active duty under 10 U.S.C 1171

*Exceptions to
Minimum Service
Requirements*

M21-1MR III.ii.6.4.c and 38 CFR 3.12a (d) cover the exceptions to the minimum service requirement, however they will not all be covered in this lesson.

Slide 7

The exception most pertinent to this lesson states that the minimum Active Duty requirement does not need to be fulfilled for anyone who is rated with a service-connected disability.

Handout 4

When processing a claim, verifying whether the minimum Active Duty requirement is fulfilled is not necessary if the Veteran is rated with a service-connected disability.

NOTE(S)

Refer the trainees to Attachment A: Establishing Veteran Status Flow Chart in the trainee handout packet, which can be used as an aid when determining Veteran status.

Handout 11

Provide the following scenario to the trainees:

*Check
Comprehension*

A claimant reported for his first day of training in the Army. On the way home from the training, the claimant was injured in a vehicle collision. As a result, the claimant became permanently disabled and was discharged from the Army.

Handout 5

Ask the trainees the following question:

- Can the claimant receive VA benefits based on the minimum Active Duty requirements?

Response: Yes, the claimant qualifies to receive VA benefits because the claimant was injured while proceeding directly home from the training, which constitutes as Active Duty.

**Reservist
Qualifications**

Activation of a Reservist for full time operational or support purposes is considered Active Duty.

*Reservist Active
Duty*

The following types of Reserve programs are considered Active Duty for the purpose of establishing Veteran status if the facts of record establish that the service was full time and for operational or support purpose:

Slide 8

Handout 5

- Active Guard Reserve (AGR) – National Guard and Reserve members who are on voluntary active duty providing full-time support to National Guard, reserves, and Active Component organizations for the purpose of organizing, administering, instructing, or training the Reserve Components.
- Active Duty Support Program (ADS) – A program in which members serve full-time in operational or support positions but are never formally called to active duty.
- Active Duty for Special Work (ADSW) – a tour of duty for reserve personnel authorized from military and reserve personnel appropriations for work on active or reserve component programs. This includes annual screenings, training camp operations, training ship operations, and unit conversions to new weapon systems when such duties are essential. Active duty for Special Work may also be authorized to support study groups, training sites and exercises, short-term projects, and doing administrative or support functions. Active Duty for Special Work tours are normally limited to 179 days or less in one fiscal year. Tours exceeding 180 days are accountable against active duty end strength.

NOTE(S)

There is an FAQ regarding Active Duty for Special Work (dated September 28, 2005) on the Compensation Service website. Recommend reviewing with trainees.

*Reserve Programs
Not Considered
Active Duty*

Slide 9

Handout 6

The following types of Reservist duty are not considered full-time Active Duty:

- Initial Active Duty for Training (IADT) - The standard for Reserve members without prior active service is to undergo a period of Initial Active Duty for Training (IADT) lasting from four to seven months. This training may be taken in a single period or as two separate periods.
- Annual Training (AT) - Annual Training (AT) is also sometimes referred to as “summer camp.” AT is annual two to five weeks activation for training purposes. These are all forms of Active Duty for Training (ADT or ACDUTRA).
- Inactive Duty Training (IDT) - Inactive Duty Training (IDT) is commonly referred to as “weekend drills.”

A helpful way to determining Active Duty status for Reservists is if

activation was for:

- Operational or support purpose it is considered Active Duty
- Training purposes it constitutes ADT

NOTE(S)

M21-1MR III.ii.6.2.c states service in the Reserves meets the definition of active duty if the facts of record establish that the service was:

- Full-time, and
- For operational or support purposes, as opposed to training

For example, an individual was in the Army Reserves for 4 years, but he was never called to active duty. The Reservist would not be eligible because he never served on active duty.

National Guard Service

The Army National Guard (ARNG) and the Air National Guard (ANG) operate full-time operational and support programs similar to the Ready Reserves. Often, members of the National Guard are the first line of defense for our country.

Slide 10

Handout 6

Service under 10 U.S.C.

A Guard unit or member may be activated under the authority of 10 U.S.C. (Title 10). For VA purposes, members who report qualify as Active Duty service. Active Duty under 10 U.S.C. is characterized as Federal Active Duty.

Slide 11

Handout 6

Service under 32 U.S.C.

For VA purposes, full-time operational or support National Guard service performed under 32 U.S.C. 316, 502, 503, 504, or 505 is considered ADT but does not meet the definition of Active Duty.

Slide 12

Handout 6

EXERCISE

Slide 13

The goal of this exercise is to ensure the trainees are able to expeditiously locate applicable references. Allow the trainees 15 minutes to access the Compensation Service Intranet Publications page and complete the following:

Handout 7

1. If any trainees are unfamiliar with this site, provide a brief demonstration.
2. Locate the references shown below.
3. While trainees are locating references, monitor their performance and provide feedback as necessary.
4. As a group, have each trainee provide the reference name.

Ask the trainees to locate the following references:

- 38 U.S.C. 101 (2) – Definition of “Veteran”
- 38 U.S.C. 101 (24) – Definition of “Active Military, Naval, or Air Service”
- 38 CFR 3.1 (b) - (d) – Definition of Reserve component, Reserves, and Veteran
- 38 CFR 3.12 – Character of Discharge
- 38 CFR 3.13 – Discharge to Change Status
- 38 CFR 3.14 – Validity of Enlistment
- 38 CFR 3.203 – Service Records as Evidence of Service and Character of Discharge
- 38 CFR 3.4 (b) – Disability Compensation
- 38 CFR 3.6 (a) - (e) – Duty Periods
- 38 CFR 3.7 – Individuals and groups considered to have performed active military, naval, or air service
- M21-1MR III.ii.6.2 – Duty Status and Eligibility of Reservist
- M21-1MR III.ii.6.3 – Duty Status and Eligibility of Personnel in the National Guard Service
- M21-1MR III.ii.6.4 – Minimum Active Duty Service Requirements
- M21-1MR III.ii.6.5 and 6 – General Information Regarding Verification of Service and Character of Discharge & Forms of Evidence for Verification of Service and Character of Discharge
- M21-1MR III.iii.2 – Developing for Service Records
- M21-1MR III.v.1.B – Statutory Bar to Benefits and Character of Discharge
- C&P FAQ dated September 28, 2005 – Active Duty – Special Work
- C&P FAQ dated February 10, 2009 – Minimum Active Duty Service and Pension
- VAOPGCPREC 16-99 – Effective of Entry Level Separation Based upon Fraudulent Enlistment on Status as a Veteran
- VBA Letter 20-09-14 – Digitally Signed Separation Documents and Other Evidence of Service

TOPIC 2: VETERAN STATUS VERIFICATION REQUIREMENTS

INTRODUCTION This topic will provide the trainees with the information required to distinguish the character of discharge for Veteran status entitlement, as well as seek the appropriate sources of evidence for service verification.

TIME REQUIRED 1 hour

**OBJECTIVES/
TEACHING POINTS** Topic objectives:

- Given the trainee handout packet and references, distinguish the discharge conditions that entitle an individual to Veterans benefits, with 85% accuracy.
- Given the trainee handout packet and references, identify acceptable evidence for verification of service, with 85% accuracy.

The following topic teaching points support the topic objectives:

- Character of Discharge
- Verification of Service

Character of Discharge

Slide 14

Handout 8

A Service member's character of service can affect his/her entitlement to VA benefits. In order to be a Veteran, Service members must be released under conditions other than dishonorable. A discharge under honorable conditions is binding on the Department of Veteran Affairs (VA). And a dishonorable discharge, by definition, is a bar to VA benefits.

The following types of discharges are binding for eligibility to VA benefits:

- Honorable discharge
- General discharge
- Certain Uncharacterized discharges
- General Under Honorable Conditions discharge

The following types of discharges require VA development and an administrative decision:

- General Under Conditions Other than Honorable
- Certain Uncharacterized discharges
- Dishonorable discharge (only if insanity is an issue)
- Bad Conduct discharge

Uncharacterized Discharges

Slide 15

According to 38 CFR 3.12 (k), when enlisted personnel are administratively separated from service on the basis of proceedings initiated on or after October 1, 1982, the separation may be classified as one of the following three categories:

Handout 8

- Entry level separation (ELS) – is a type of characterization of an individual who served less than 180 days to which an adequate measure of the individual’s conduct and performance could not be determined. The type of separation is considered by VA to be under honorable conditions. No administrative decision is needed.
- Void enlistment – is when it is discovered that a Service member’s enlistment is erroneous because he or she failed to meet the qualifications for enlistment. An example of a void enlistment may include enlistment of a person who was intoxicated or insane at the time of enlistment. It may also include a person under the age of 17, a deserter from another military branch of service, or a person who was coerced into enlisting by being presented with the option of enlisting or going to jail. This type of separation may be either UHC or OTH based on why the individual was discharged. An administrative decision is required to determine eligibility for VA benefits.
- Dropped from the rolls – is an administrative action that drops an individual from the strength accountability of a military service. This occurs when the Service member has been absent/AWOL for a minimum of 30 days. Once dropped from the rolls all military status is severed. This type of separation may be either UHC or OTH based on why the individual was discharged. An administrative decision is required to determine eligibility for VA benefits.

Check comprehension

Provide the following example to the trainees:

Handout 9

A claimant served for 3 weeks in the Army. His DD Form 214 indicates he was discharged uncharacterized as “entry level” and the reason for discharge is “Failure to meet physical fitness requirements.” The claim is developed, and the Veteran is subsequently granted service connection for a knee condition due to an injury during those 3 weeks of Active Duty.

Ask the trainees the following question:

- Can the claimant receive benefits based on the minimum Active Duty requirements and the character of discharge?

Response: Yes, the claimant can receive benefits because he has a service-connected injury, which meets one of the exceptions and the discharge is considered honorable.

Verification of Service The process for establishing Veteran status consists primarily of the following:

Slide 16

1. Locate acceptable evidence of service
2. Verify active service dates
3. Verify character of discharge

Handout 9

Acceptable Evidence

The following items are acceptable pieces of evidence for verification of service:

Slide 17

Handout 9

- DD Form 214
- PHS Form 1867
- NOAA Form 56-16
- Report of separation issued prior to the implementation of the DD Form 214
- Continuous active service comments on a DD Form 214 that is acceptable for verifying service
- 3101 response from the service department (PIES S01)
- Digitally signed DD form 214 that meet certain requirements
- BIRLS VID screen, if it meets all of the following requirements:
 - Character of service is Honorable (HON) or Under Honorable Conditions (UHC)
 - Branch of service code is not Army National Guard or Air National Guard
 - Separation reason is Satisfactory (SAT)
 - “Y” or “D” in the VADS field
 - “Y” in the VER field

NOTE(S)

Handout 10

Virtual permits a link via Veterans Information Solution (VIS) to access a Veteran’s military history information from VA/DoD Identity Repository (VDIR). The information obtained from VADIR is considered an electronic DD Form 214, and is acceptable for verification of service.

If there are discrepancies between the information displayed in VIS and evidence provided by the service member pertaining to the dates of service or character of discharge, you should develop for the DD Form 214.

Incomplete Service Verification

Slide 18

Verify active service dates and character of discharge by first reviewing the available service department records or other acceptable evidence of service in the claims folder.

If a review of the claims folder indicates that the available evidence is

Handout 10

incomplete or information is questionable, request the following:

- Further verification or additional data via Personnel Information Exchange System (PIES) or Defense Personnel Records Information Retrieval System (DPRIS)
- Service data from the appropriate service department (such as the State Adjutant General for National Guardsmen) via PIES as provided in M21-1MR III.iii.2

EXERCISE

Allow the trainees 15 minutes to complete the exercise located in Attachment B: Veteran Status Verification Requirements Review Exercise of the trainee handout packet.

Slide 19

Discuss the correct responses.

Handout 12

**REGIONAL OFFICE
SPECIFIC TOPICS**

At this time, add any information pertaining to:

- Station quality issues with this lesson
- State any additional specific programs/guidance on this lesson.

PRACTICAL EXERCISE

TIME REQUIRED .50 hours

EXERCISE The trainee should work individually on the exercise. Allow the trainee 20 minutes to answer the questions.

Slide 20 Review the correct responses. Ask if there are any questions about the information presented in the exercise, and then proceed to the lesson review.

Handout 13

LESSON REVIEW, ASSESSMENT, AND WRAP-UP

INTRODUCTION

The Establishing Veteran Status lesson is complete.

Discuss the following:

Review each lesson objective and ask the trainees for any questions or comments.

TIME REQUIRED

.25 hours

LESSON OBJECTIVES

You have completed the Establishing Veteran Status lesson.

The trainee should be able to:

Slide 21

- Given the trainee handout packet and references, identify VA benefits entitlement criteria, with 85% accuracy.
- Given the trainee handout packet and references, distinguish Reservist qualification criteria, with 85% accuracy.
- Given the trainee handout packet and references, distinguish the discharge conditions that entitle an individual to Veterans benefits, with 85% accuracy.
- Given the trainee handout packet and references, identify acceptable evidence for verification of service, with 85% accuracy.

ASSESSMENT

The assessment will allow the participants to demonstrate their understanding of the information presented in this lesson.

Remind the trainees that they will not receive credit for this lesson until the Level 1 and Level 2 assessments have been completed in the TMS.