Prisoner of War (POW) Claim Development (Post Challenge)

Instructor Lesson Plan

Time Required: 3.25 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 # | 61569 |
| Prerequisites | Prior to this training the trainees must have completed the following lesson plans: SHARE, VBMS, PIES, Reference Materials, Tour of the C&P Website, Establishing Veteran Status, and Claims Recognition. |
| target audience | The target audience for Insert Lesson is DRO, PMC RVSR, PMC VSR, RVSR, VSR (Intermediate or Journey Level).  Although this lesson is targeted to teach the DRO/RVSR/VSR,(Intermediate or Journey Level) employee, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 3.25 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * POW Claim Development PowerPoint Presentation * POW Claim Development Trainee Handouts * POW Film * One sample Academy case for instructor demonstration of POW claims development in VBMS |
| 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 * POW Claim Development PowerPoint Presentation * POW Claim Development Trainee Handout |
| 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 POW Claim Development | | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts | |
| time required | | 0.5 hours | |
| Purpose of Lesson  Explain the following: | | This lesson is intended to define a former POW for VA purposes, identify the points that will establish a Veteran as a former POW, verify former POW status and identify the steps required to develop and adjudicate a claim for a former POW. This lesson will contain discussions and exercises that will allow you to gain a better understanding of:   * Definition of former POW and establishing status as a POW * Development of POW claims after status has been determined | |
| Lesson Objectives  Discuss the following:  Slide 2  Handout 2 | In order to accomplish the purpose of this lesson, the trainee will be required to accomplish the following lesson objectives.  Thetraineewill be able to:   * Define “former POW” for VA benefit purposes * Learn how to establish former POW status for a Veteran * Determine evidentiary requirements * Identify presumptive conditions | | |
| 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 | Discuss with the trainees some of the anecdotes you may have encountered with a former POW and the hardships they endured and the results of mis-handling a claim that involves a former POW.  Former POWs are held in extremely high regard and esteem with the VA. These veterans endured hardship and suffering to such a degree that there are special outreach groups that help former POWs file claims. This group of veterans is a proud group of individuals who are often reluctant to file for any kind of eligibility benefit.  Show motivational film on POWs, or allow the group an opportunity to speak with a former POW. | | |
| STAR Error code(s) | TBD | | |
| References  Slide 3  Handout 3 | Explain where these references are located in the workplace.   * [**38 CFR §3.1(y) Definitions**](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58) * [**38 CFR 3.304(d)&(e) - Direct service connection; wartime and peacetime**](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1304) * [**38 CFR 3.309(c) Disease subject to presumptive service connection**](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58) * [**M21-1, Part III, Subpart iii, 2.G – Former POW Service Records**](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014161/M21-1-Part-III-Subpart-iii-Chapter-2) * [**M21-1, Part IV, Subpart ii, 2.E – Service Connection for Disabilities Incurred as a Prisoner of War (POW)**](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014561/M21-1-Part-IV-Subpart-ii-Chapter-2-S) * [**M21-1, Part III, Subpart v, 1.C – Former Prisoner of War (FPOW) Status**](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014220/M21-1-Part-III-Subpart-v-Chapter-1-S) * [**M21-1, Part III, Subpart ii, 3.B - Paper and Electronic Claims Folders**](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#agent/portal/554400000001034/article/554400000014123/M21-1-Part-III-Subpart-ii-Chapter-3) | | |
| Topic 1: DEFINITION OF FORMER POW AND ESTABLISHING STATUS AS A POW | | | |
| Introduction | | | This topic will allow the trainee to correctly identify a Veteran as having Former Prisoner of War (FPOW) status. |
| Time Required | | | 0.5 hours |
| OBJECTIVES/ Teaching Points | | | Topic objectives:   * Define former POW in 38 CFR 3.1(y) * List the points for establishing former POW status * State how to verify former POW status   The following topic teaching points support the topic objectives:   * Service department findings * Factors for consideration for decisions other than service department findings * Verifying former POW status |
| 38 CFR Definition  Slide 4&5  Handout 4 | | | Have trainees review the definition of former POW in their handout.  Explain that the term “former prisoner of war” is a person who, while serving in the active military, naval, or air service (as defined by 38 CFR 3.7), was forcibly detained or interned in the line of duty by an enemy government or its agents, or a hostile force, *during a period of war*, or a foreign government or its agents, or a hostile force, under circumstances which the Secretary finds to have been comparable to the circumstances under which persons have generally been forcibly detained or interned by enemy governments during periods of war.  Also explain that when the definition refers to “an enemy or foreign government” it does so because a veteran may have been detained or interned by a foreign government which was not an enemy (i.e. Iran before the Gulf War, Soviet Union and Switzerland in WWII).  These situations would require an administrative decision regarding former POW status.  Have trainees go to the VA POW website address and give them time to look through the various links:  <http://www.vba.va.gov/bln/21/benefits/pow>. |
| Establishing POW Status  Slide 6  Handout 4 | | | POW status may be shown on discharge documents (*DD214* or equivalent). VA may accept the findings of the service department concerning POW status during wartime if detention or internment was by an enemy government or its agents.  Discuss that if POW status cannot be determined from a review of the claims folder, an attempt to confirm POW status through the service department is required. Do not request certification of POW status through the service department for peacetime as the service department cannot decide this issue in these cases.  You can also search the National Archives database list for Korean Conflict, Vietnam War, and World War II POWs at <http://aad.archives.gov/aad>.  VA has the sole authority to determine POW status if detention or internment occurred in peacetime, or if detention/internment during wartime was by allied or neutral governments, their agents or by hostile forces. An administrative decision is required (favorable or unfavorable) on POW status in these cases subject to approval by the Director of C&P Service. (See M21-1, Part III, Subpart v.1.C in these cases. See the table in M21-1, Part III, Subpart v.1.C for a list of the declared enemies of the United States for each period of war.)  *Note: If the detention or internment is during wartime, a determination would not be needed regarding former POW status if the service department’s determination indicates the veteran was detained or interned by an enemy government or its agents.* |
| War Periods  Slide 7  Handout 5 | | | Periods of war include World War I, World War II, the Korean Conflict, the Vietnam War, the Gulf War period, and Operation Enduring Freedom and Operation Iraqi Freedom. |
| Service Department Findings  Slide 8&9  Handout 5 | | | A former POW also includes a Veteran, who while serving on active duty during peacetime, was forcibly detained or interned by a foreign government or its agents or a hostile force, if the circumstances of the internment were comparable to wartime internment.  Explain special circumstances of former POW status such as those former POWs not held by enemy governments or the civilian employees held at Wake Island. See M21-1, Part IV, Subpart ii, 1.G.  If the Veteran alleges former POW status, but provides no verification and/or if the claims folder does not verify former POW status, send a request to the service department requesting verification of detainment/internment. Also request any additional information from the veteran.  If certification is not provided by the service department, a formal decision is required per M21-1, Part III, Subpart v.1.C.  Review with the trainee when a decision is required to establish former POW status and the differences between wartime and peacetime former POW status. |

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| Topic 2: DEVELOPMENT OF POW CLAIMS AFTER STATUS HAS BEEN DETERMINED | |
| Introduction | This topic will allow the trainee to properly develop for appropriate records, identify presumptive conditions, and ensure proper examinations are scheduled. |
| Time Required | 1.0 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Identify requirements for development of evidence * Identify presumptive conditions for former POWs   The following topic teaching points support the topic objectives:   * Service Treatment Records * VA POW Protocol Exam * Other Evidence Requirements * Presumptive Conditions * Special Considerations |
| What evidence is required  Slide 10  Handout 6 | Obtain service treatment records (STRs). If STRs cannot be obtained or are negative for the conditions claims, then obtain recent medical evidence. Explain that sometimes for former POWs, STRs are hard to obtain. Since STRs are sometimes hard to obtain, it is critically important that other medical evidence be obtained |

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| Other Evidence Requirements  Slide 11  Handout 6 | Discuss the Veteran’s statement regarding disabilities incurred as a POW. In the absence of service records, the Veteran’s statement regarding disabilities incurred as a former POW must be accepted unless clearly inconsistent with the evidence of record. Also inform trainees of the importance of supporting statements from comrades. |
| Presumptive Conditions  Slide 12&13  Handout 7 | Discuss the presumptive conditions as outlined in the handout per 38 CFR 3.309. Also remind trainees that presumption does not need evidence of continuity. If the condition claimed is not one of the presumptive conditions specific to former POWs, then the claim should be handled as a “regular” claim for service connection.  Note that 38 CFR 3.309(c)(1) lists presumptive conditions in which no minimum confinement time exists. The conditions under 38 CFR 3.309(c )(2) require a minimum of 30 days confinement for presumptive service connection. |
| VA POW Protocol Exam  Slide 14  *Handout 8* | Former POWs are entitled to a POW protocol examination from a VA Medical Center (VAMC). The exam may or may not be used in conjunction with a claim, and the former POW is entitled to choose whether his or her claim can be rated on the results.  First, determine if the veteran has had a protocol exam. If not, advise the veteran that he or she is entitled to the exam and request it.  (M21-1, Part III, Subpart iv, 3.A). Remind the trainees to consult with their Rating VSR for assistance in accurately determining if a POW protocol exam is required.  **IT IS EXTREMELY IMPORTANT TO STRESS THAT THESE CLAIMS SHOULD BE EXPEDITED. EXAMINATIONS SHOULD BE PROVIDED AS SOON AS POSSIBLE. CONTACT THE VETERAN BY TELEPHONE IF CLARIFICATION OF ISSUES IS REQUIRED.** |

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| Lesson Review, Assessment, and Wrap-up | |
| Introduction  Discuss the following: | The POW Claim Development lesson is complete.  Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | .25 hours |
| Lesson Objectives | You have completed the POW Claim Development lesson.  The trainee should be able to:   * Define “former POW” for VA benefit purposes * Learn how to establish former POW status for a Veteran * Determine evidentiary requirements * Identify presumptive conditions |
| 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. |