

FDC Criteria and Additional Requirements Desktop Reference

FDC Criteria

An FDC must meet the following criteria (all below information/evidence must be submitted simultaneously):

1. It must be a rating-related claim for live compensation (new/first-time, secondary, or increased disability service connection) submitted on the VA Form 21-526EZ application, **OR** a live pension claim (to include special monthly pension) submitted on the VA Form 21-527EZ application.
2. The claimant must submit with the claim the proper FDC Certification signed and dated by the claimant or the authorized representative (VA Form 21-526EZ FDC Certification, for a compensation claim, or VA Form 21-527EZ FDC Certification, for a pension claim)
3. The claimant must submit with the claim all of the following that apply:
 - All, if any, relevant private medical treatment records and an identification of any treatment records from a Federal treatment facility such as a VA medical center.
 - For a Guard or Reserve member, any and all service treatment and personnel records in the custody of his/her unit(s).
 - For a pension claim, all necessary income and net-worth information.
 - For a special monthly pension claim, a completed VA Form 21-2680, Examination for Housebound Status or Permanent Need For Regular Aid And Attendance, or, if claiming special monthly pension based on nursing home attendance, a VA Form, 21-0779, Request For Nursing Home Information in Connection With Claim For Aid And Attendance.
 - If claiming dependents, a completed VA Form 21-686c, Declaration of Status of Dependents.
4. The claimant must be available to report for a VA examination, if required.

Note 1: Accept VA Form 21-526EZ and VA Form 21-527EZ as original applications.

Note 2: See page 2 of this document for FDC Exclusion Reasons and procedures for handling informal FDCs

See FL 10-22/FDC Training Lesson Plan for proper FDC processing, tracking, and priority.

If a received compensation or pension claim fails to meet FDC Criteria, consider it eligible for Additional Requirements if the claim meets Additional Requirements Criteria:

“Additional Requirements” allows claimants who fail to meet certain requirements of FDC criteria an opportunity to have a claim expeditiously processed in the FDC Program.

Additional Requirements Criteria

1. The claim must specifically identify a desire to participate in the FDC Program. This can be accomplished via statement by the claimant or authorized representative or by submission of a VA Form 21-526EZ, VA Form 21-527EZ, or FDC Certification.
2. The claim must not require any additional development, other than scheduling a VA examination or obtaining records in the constructive custody of the Federal Government (other than Guard or Reserve records in the custody of the Veteran’s unit(s)), **AND** must meet FDC criteria with only the following exception(s):
 - The claim is not a live compensation claim for new/first-time, secondary, or increased disability service connection or live pension (to include special monthly pension); **AND/OR**
 - The claim is not filed on the prescribed form (VA Form 21-526EZ, for a compensation claim, or VA Form 21-527EZ, for a pension claim); **AND/OR**
 - The claim is not received simultaneously with a completed FDC Certification (VA Form 21-526EZ FDC Certification, for a compensation claim, or VA Form 21-527EZ FDC Certification, for a pension claim)

See FL 10-22/FDC Training Lesson Plan for proper processing, tracking, and priority of a claim eligible under Additional Requirements. Treat a claim that does not meet either FDC criteria or Additional Requirement as no longer meeting FDC criteria and exclude the claim from the FDC program (see FL 10-22 for proper processing, tracking, and priority).

Exclusion from the FDC Program

A claim that does not meet, or no longer meets FDC criteria will be processed and tracked as indicated in Fast Letter 10-22/FDC Training Lesson Plan.

A claim is disqualified from the FDC Program if the:

- Claim requires additional development such as a request for private medical evidence, Guard/Reserve records in the custody of the Veteran's unit(s), or further evidence from the claimant
- Claimant has a claim or appeal pending at the time of receipt of the FDC
- Claimant submits a supplemental claim or additional evidence after receipt of the FDC
- Claimant fails to report for an examination (*unless VA is at fault for the claimant's failure to report, such as erroneously providing a bad claimant address to the examination facility*)
- Claim requires a character of discharge determination

Note: Do not exclude a claim from this program due to normal delays in obtaining evidence in Federal custody, e.g. verifying of service in Vietnam, requesting Guard or Reserve records at RMC and NPRC, requesting service treatment or personnel records (other than Guard or Reserve records in the custody of the Veteran's unit (s)), etc.

Informal FDCs

Consider **any communication or action** that shows intent to apply for benefits under the FDC Program as an informal FDC.

Upon receipt of an informal FDC:

- Advise the claimant to complete and return a formal claim within one year to receive benefits from the date of receipt of the informal claim
- Do **not** place the issue under pending-issue control. Control the claim from the date VA receives the formal claim (see [M21-1MR Part III, Subpart ii, Chapter 2, Section B.6.d](#))

For record purposes, employees must properly document any claimant contact that may represent an informal claim for benefits. Failure to properly document the claim may result in the claimant not receiving the full amount of retroactive benefits he or she is due. The contact date will serve as the effective date of entitlement to benefits if the claim is ultimately approved.

Note: Veterans Service Officers (VSOs) have been instructed to advise Veterans to submit informal FDCs identified by the Veteran's name and claim number and the statement,

“I intend to apply for compensation/pension benefits under the FDC Program. This statement is to preserve my effective date for entitlement to benefits. I am in the process of assembling my claim package for submission.”

Follow the informal claims procedures above when such a statement is received. However, if the above statement is accompanied by a formal claim, place the claim under pending-issue control and initiate claim processing.