

For Training Purposes Only
Training Coordinator's Module Guide for
Due Process Provisions



November 5, 2013

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Section 1 - Introduction

Introduction

Welcome to the *Due Process Provisions Module* of the Basic Ratings Training and Performance Support System. Please read this Module Guide in its entirety. Feel free to highlight certain portions or write down notes as you read through this document.

Within these pages, you will find the information you need to set up and implement this course successfully.

Section 1 of this guide is an introduction designed to present you with a broad overview of the *Due Process Provisions Module*.

Section 2 of this guide contains the Module Master Planning Chart which is designed to provide you with the information you need to effectively plan the scheduling for the module. Notes and tips are also provided to let you know key instructional events and activities.

Section 3 of this guide contains summaries for each of the lessons in the *Due Process Provisions Module*. You may use this to familiarize yourself with the module contents and also as a review for your students before they complete the posttests.

Who Will Take This Module?

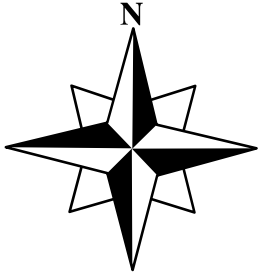
The target population for this module consists of RVSRs with some experience rating Compensation, Pension, and Routine Future Examination cases. Students should have successfully completed the Routine Future Examination Module prior to beginning this module.

Students who take this module should have either failed or opted not to take the pretest.

Note: The pretest is optional. Students who want to take the *Due Process Provisions Module* may choose to take the pretest, or may choose to go directly to the *Due Process Provisions Module* lessons.

All students selected to take this module should take each topic from start to finish, in sequence, to ensure that he/she has (or gains) a comprehensive understanding of due process provisions.

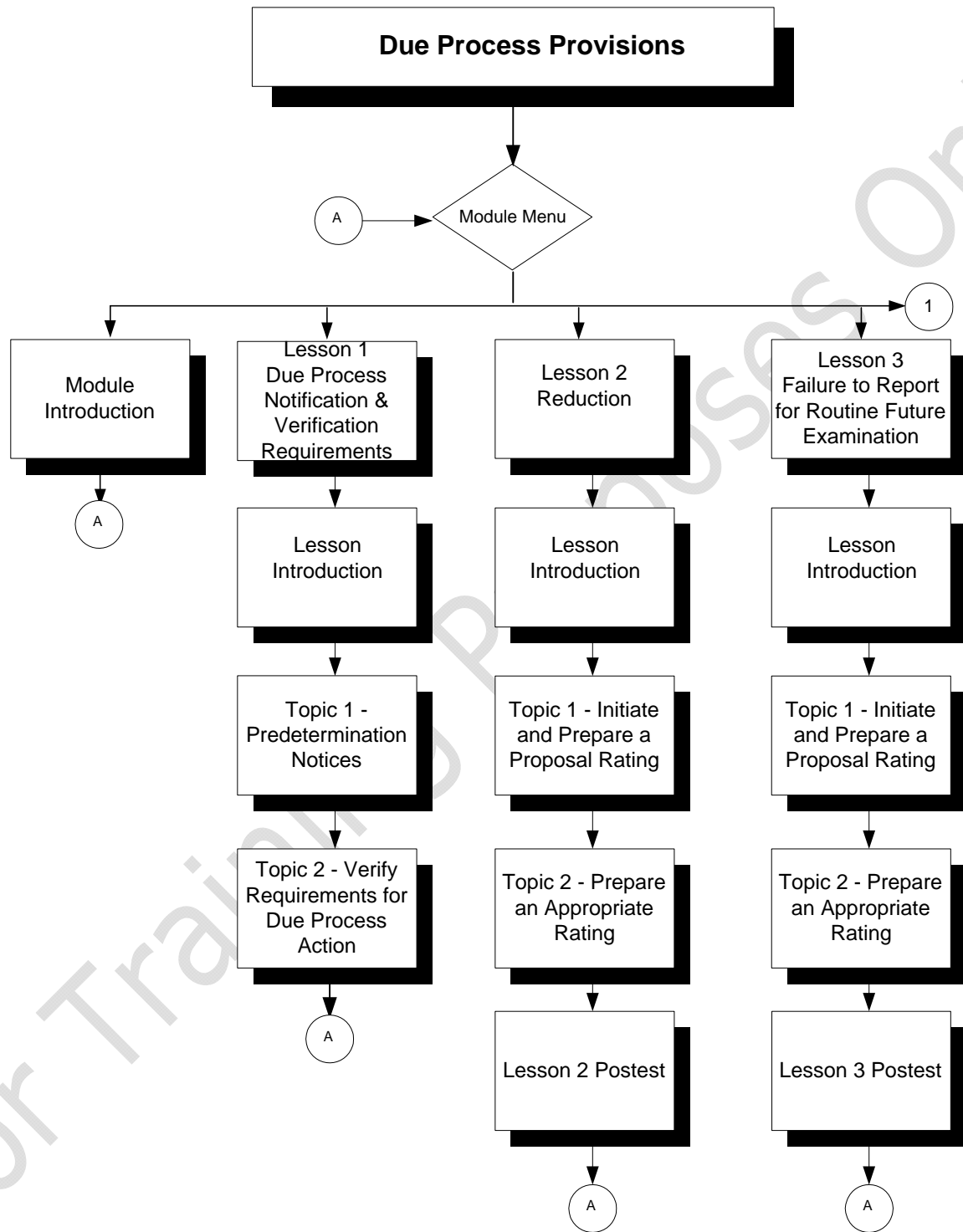
Module Map



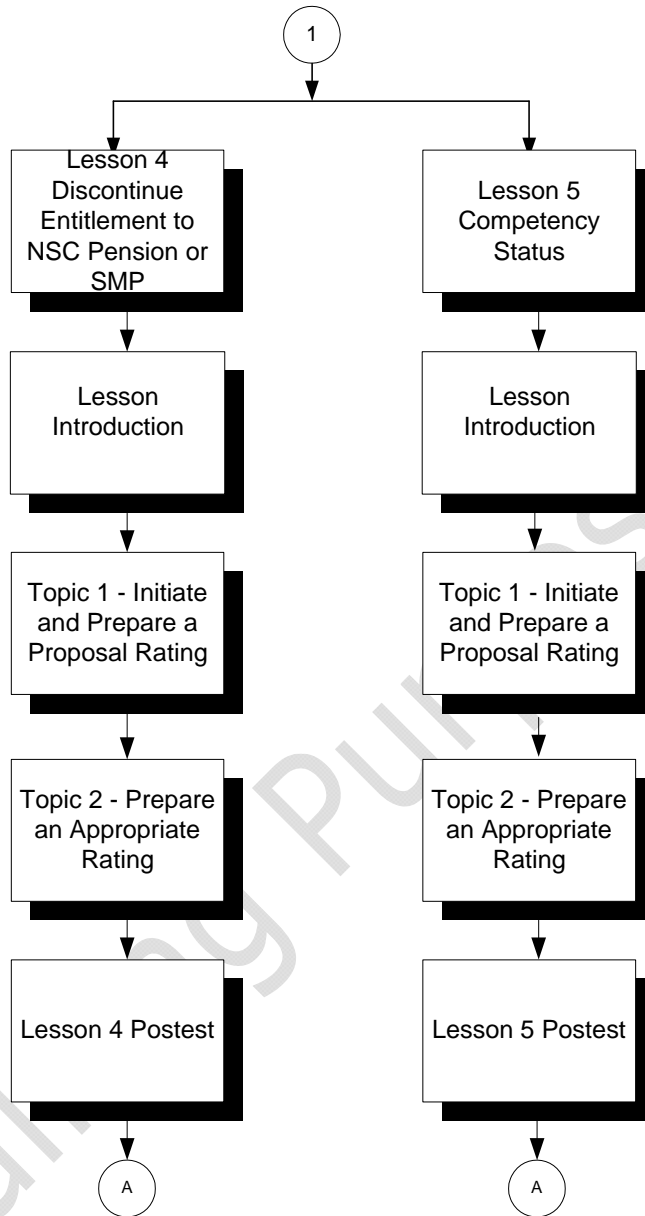
To get an overview of how the module is laid out, take a look at the Module Map on the following page.

As you can see, the Due Process Provisions Module is comprised of five lessons. The students must take the lessons in the order that they are presented. A student may not proceed to the next lesson until they have successfully completed the previous lesson's posttest (except for Lesson 1, which has no lesson posttest).

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Due Process Test Design

The Due Process module pretest and lesson posttests consist of several online case excerpts. The student will be asked several questions about these excerpts. The module pretest and lesson posttests also consist of various online cases that the student must review and then produce appropriate rating decisions. **There is no module posttest for this module.**

Module Pretest

The pretest is made up of two parts. Part one consists of one online case excerpt, and part two consists of three online cases. Students have the option not to take the module pretest.

As stated on the answer key, a training candidate must 3 of the 4 case excerpts/cases in the module pretest to pass. The passing criteria for the module pretest are provided in the test directions/answer keys which can be accessed in the VBA Learning Catalog. Search for TMS Item #1380389.

The cases in the module pretest are designed to assess the student's ability to perform the process of issuing a proposal rating decision or a final rating decision as required to meet due process provisions at the Basic Ratings level. Pretest-takers should assume that the adjudication process is complete and the case is ready to rate, i.e., a proposal, final or deferred rating decision can be prepared.

While you do need to administer the module pretest, you do not need to enter the test scores. After you score the test answer sheets and provide feedback to the students, you will email the test scores to the TPSS Help Desk (CDSHelpDesk@vba.va.gov). You can email the scores for multiple students at the same time. The email must include the following information for each student: student's TMS student identifier/TMS user name, module name, test name, test score of P or F, and test date.

Lesson Posttest

Once students complete a lesson, they will be prompted by the computer to take the lesson posttest. There are two variants available for each lesson posttest. When administering the lesson posttest you will assign test variants to the students. Instruct the students to take Variant 1 first and then Variant 2, if needed. If a student does not pass a lesson posttest, then the student must take that lesson posttest's variant.

Note: Your Training Coordinator's Guide offers tips and guidelines for providing test feedback, and prescribing remediation.

The lesson posttests are designed to test the material specifically covered in each lesson. Lesson 1 does not contain a posttest because it is an introductory lesson for the module and the content is tested in the subsequent lesson posttests.

Instructions for the lesson posttests contain Assumptions and Conditions section that informs the student of characteristics inherent to the cases used in the testing environment.

The passing criteria vary for each case excerpt/case in the lesson posttests. . Refer to the test scoring instructions/answer keys for more information. You can access the test scoring instructions and answer keys from the VBA Learning Catalog. Search for TMS Item #1380389.

Important: While you do need to administer the lesson test, you do not need to enter the lesson test scores.

Module Posttest

There is no module posttest at the end of this module. In order to pass the Due Process Provisions Module, the students must pass each lesson posttest.

Lesson Test Procedures

Before Students take a Lesson Posttest:

- Have students contact you prior to taking the posttest so you can make sure they do not have any unanswered questions.
- Tell students they can use whatever notes they have taken or documents they have printed. They can use any resources they have, but they are not allowed to discuss questions with each other.
- Let students know they must contact you after they have completed the posttest or variant and received their scores.

TPSS Materials

Everything that your students need to complete the *Due Process Provisions Module* is available to them within the module online. Once you provide the students with a proper briefing, your role, other than monitoring their progress throughout and conducting test briefings, will be to score the test answer sheets that they print from the system and give them feedback.

You can access the test scoring instructions and answer keys from the VBA Learning Catalog, where you found this Module Guide. Search for TMS Item #1380389.

TPSS Equipment/Dual Monitors



The computers for the students should be set up with dual monitors so that they can open the online cases and look at other reference material during the training and testing.

In the Module Introduction, the students are provided with the following information about opening instructional cases with or without dual monitors:

“If you have dual monitors, when you select a case using the button, it will open in a new window. You may move it to the other monitor and expand it to fit the entire screen.

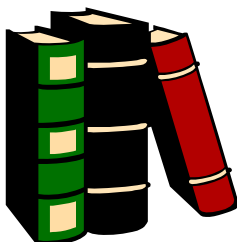
If you do not have dual monitors, when you select a case using the button, it will open in a new window, and you must navigate between the case and the courseware by holding down the Alt key and the Tab key at the same time. Using the Alt-Tab feature allows you to toggle back and forth.

Note: The cases have bookmarks for each form, letter, etc., within the case. You may select a bookmark to advance to that document within the case. Or you may scroll up and down throughout the case by using the scrollbar on the right-hand side of the window.

Throughout this module, you will be prompted when to open a given case and when to close it.”

You may want to reinforce this information during your briefing and make sure when they come to their first online case, they understand what to do with it.

Publications



Ensure that students have access to Due Process-relevant reference materials, such as:

- M21-1MR, Parts I and III
- 38 Code of Federal Regulations (38 CFR)
- Rating Schedule
- Court of Appeals for Veterans Claims (CAVC) documentation
- VBA Circulars
- “Fast Letters”
- Training Letters
- Policy Letters
- Regional Office Procedures
- Merck Manual
- Dorland’s Illustrated Medical Dictionary (or a comparable dictionary)
- Diagnostic and Statistical Manual of Mental Disorders (DSM – latest edition)
- Rating Activity Medical Members (where available)
- U.S. Court of Appeals for Veterans Claims Hotline
- Automated Reference Materials System (ARMS)
- Beneficiary Index and Relocator System (BIRLS)

Reporting Feedback



Send in any feedback, reactions, comments (recommendations, additions, deletions) and any pertinent data which may be of use in improving this courseware by accessing the comments web form at:

<http://cptraining.vba.va.gov>

Select the **Comments Web Form** link located at the bottom of the page.

Section 2 - Module Master Planning Chart

The Module Master Planning Chart is designed to provide you with the information you need to effectively plan the scheduling and resource requirements for this module.

Due Process Provisions

Note: The estimated range of time required to complete the online content, including cooperative exercises and a single version of the Lesson Posttests, is 20 hours, 15 minutes to 34 hours, 15 minutes.

This Module Master Planning Chart is based on the average time that students required during the validation of this module. Be aware that the actual times for students may be more or less than the time listed here.

- Estimated total Student time for online course and a single version of the Lesson Posttests: **27 hours, 15 minutes**
- Estimated total Student time for Module (aka, total “seat” time): **29 hours**
(**Note:** All estimated total “seat” times for modules include module orientation, the online courseware and cooperative exercises, if applicable, along with, when given, a single variant of the Lesson Posttest(s), and feedback.)
- Estimated total Training Coordinator Time for administrative duties: **6 hours, 30 minutes**
(**Note:** This total includes the additional time required by the TC to perform briefings, feedback, and any administrative duties such as grading tests and emailing TPSS Help Desk, i.e., those shaded line items that are specifically TC times only. Total time accounts for administration of a single variant of the Lesson Posttest(s), when given. Module Pretest preparation and grading is not included in the total. Although the TC is listed as personnel for all of the online lessons and all tests, the TC does not have to be present for the entire time the students are working in a lesson or taking a test. The TC may be working with other students or even performing other duties while students are working in TPSS. The TC needs to be available to answer questions as needed. That time will vary depending on how familiar with TPSS the students are.)

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Duration		Activity	Notes/Tips
hrs	min		
	15	Module Pretest Preparation	Includes giving student access to the Due Process Provisions Module in TMS.
8	00	Module Pretest (Optional)	Conducted sometime prior to Day 1 of the training.
1	00	Module Pretest Grading	Scoring instructions and answer keys can be accessed in the VBA Learning Catalog.
	30	Administrative Functions	Includes emailing TPSS Help Desk with Module Pretest results, if applicable, assigning student privileges, notifying students of course schedule and preparing a briefing.
	30	Orientation/Briefing	Includes setting up students' workstation and required materials.) Ensure students can log into the courseware, navigate through the course using the buttons and prompts, and understand what online "Tools" are available to help.
	15	Module Introduction	Students will read the learning objective including all standards for the module. Students are introduced to lessons contained in the module.
2	00	Lesson 1	<ul style="list-style-type: none"> • Introduction – Students will read lesson objective(s) • Topic 1 - Predetermination Notices • Topic 2 - Verify Requirements for Due Process Action <p>Note: There is no Lesson Posttest for this lesson.</p>
2	45	Lesson 2	<ul style="list-style-type: none"> • Introduction – Students will read lesson objective(s) • Topic 1 - Initiate and Prepare a Proposal Rating • Topic 2 - Prepare an Appropriate Rating
	20	Lesson 2 Posttest Variant 1 Briefing	Includes time to review the lesson objective and ensure students are ready to take the test.
5	00	Lesson 2 Posttest Variant 1	Students access the test online.

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Duration		Activity	Notes/Tips
hrs	min		
	45	Lesson 2 Posttest Variant 1 Grading	Scoring instructions and answer keys can be accessed in the VBA Learning Catalog.
	15	Lesson 2 Posttest Variant 1 Feedback	Feedback times will vary depending on the number of items a student missed. If a student fails the Lesson Posttest you must provide remediation to the student until the student feels confident enough to take a variant of the Lesson Posttest. At that time, you will administer the variant to the student in the same way you administered the Lesson Posttest and provide feedback based on the student's results of the variant.
	10	Lesson 2 Posttest Variant 2 Preparation	Includes time to review the lesson objective and ensure students are ready to take the test.
5	00	Lesson 2 Posttest Variant 2 (if necessary)	Students access the test online.
	45	Lesson 2 Posttest Variant 2 Grading	Scoring instructions and answer keys can be accessed in the VBA Learning Catalog.
	15	Lesson 2 Posttest Variant 2 Feedback	Feedback times will vary depending on the number of items a student missed. If the student who failed the first version of the Lesson Posttest also fails the variant, provide additional assistance to the student before he/she retakes the Lesson Posttest.
2	45	Lesson 3	<ul style="list-style-type: none"> • Introduction – Students will read lesson objective(s) • Topic 1 - Initiate and Prepare a Proposal Rating • Topic 2 - Prepare an Appropriate Rating
	20	Lesson 3 Posttest Variant 1 Briefing	Includes time to review the lesson objective and ensure students are ready to take the test.

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Duration		Activity	Notes/Tips
hrs	min		
4	00	Lesson 3 Posttest Variant 1	Students access the test online.
	45	Lesson 3 Posttest Variant 1 Grading	Scoring instructions and answer keys can be accessed in the VBA Learning Catalog.
	10	Lesson 3 Posttest Variant 1 Feedback	Feedback times will vary depending on the number of items a student missed. If a student fails the Lesson Posttest you must provide remediation to the student until the student feels confident enough to take a variant of the Lesson Posttest. At that time, you will administer the variant to the student in the same way you administered the Lesson Posttest and provide feedback based on the student's results of the variant.
	10	Lesson 3 Posttest Variant 2 Briefing	Includes time to review the lesson objective and ensure students are ready to take the test.
4	00	Lesson 3 Posttest Variant 2 (if necessary)	Students access the test online.
	45	Lesson 3 Posttest Variant 2 Grading	Scoring instructions and answer keys can be accessed in the VBA Learning Catalog.
	10	Lesson 3 Posttest Variant 2 Feedback	Feedback times will vary depending on the number of items a student missed. If the student who failed the first version of the Lesson Posttest also fails the variant, provide additional assistance to the student before he/she retakes the Lesson Posttest.
3	30	Lesson 4	<ul style="list-style-type: none"> • Introduction – Students will read lesson objective(s) • Topic 1 - Initiate and Prepare a Proposal Rating • Topic 2 - Prepare an Appropriate Rating
	20	Lesson 4 Posttest Variant 1	Includes time to review the lesson objective and ensure students are ready to take the test.

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Duration		Activity	Notes/Tips
hrs	min		
		Briefing	
3	00	Lesson 4 Posttest Variant 1	Students access the test online.
	30	Lesson 4 Posttest Variant 1 Grading	Scoring instructions and answer keys can be accessed in the VBA Learning Catalog.
	10	Lesson 4 Posttest Variant 1 Feedback	Feedback times will vary depending on the number of items a student missed. If a student fails the Lesson Posttest you must provide remediation to the student until the student feels confident enough to take a variant of the Lesson Posttest. At that time, you will administer the variant to the student in the same way you administered the Lesson Posttest and provide feedback based on the student's results of the variant.
	10	Lesson 4 Posttest Variant 2 Briefing	Includes time to review the lesson objective and ensure students are ready to take the test.
3	00	Lesson 4 Posttest Variant 2 (if necessary)	Students access the test online.
	30	Lesson 4 Posttest Variant 2 Grading	Scoring instructions and answer keys can be accessed in the VBA Learning Catalog.
	10	Lesson 4 Posttest Variant 2 Feedback	Feedback times will vary depending on the number of items a student missed. If the student who failed the first version of the Lesson Posttest also fails the variant, provide additional assistance to the student before he/she retakes the Lesson Posttest.
3	00	Lesson 5	<ul style="list-style-type: none"> • Introduction – Students will read lesson objective(s) • Topic 1 - Initiate and Prepare a Proposal Rating • Topic 2 - Prepare an Appropriate Rating

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Duration		Activity	Notes/Tips
hrs	min		
	20	Lesson 5 Posttest Variant 1 Briefing	Includes time to review the lesson objective and ensure students are ready to take the test.
1	00	Lesson 5 Posttest Variant 1	Students access the test online.
	15	Lesson 5 Posttest Variant 1 Grading	Scoring instructions and answer keys can be accessed in the VBA Learning Catalog.
	10	Lesson 5 Posttest Variant 1 Feedback	Feedback times will vary depending on the number of items a student missed. If a student fails the Lesson Posttest you must provide remediation to the student until the student feels confident enough to take a variant of the Lesson Posttest. At that time, you will administer the variant to the student in the same way you administered the Lesson Posttest and provide feedback based on the student's results of the variant.
	10	Lesson 5 Posttest Variant 2 Briefing	Includes time to review the lesson objective and ensure students are ready to take the test.
1	00	Lesson 5 Posttest Variant 2 (if necessary)	Students access the test online.
	15	Lesson 5 Posttest Variant 2 Grading	Scoring instructions and answer keys can be accessed in the VBA Learning Catalog.
	10	Lesson 5 Posttest Variant 2 Feedback	Feedback times will vary depending on the number of items a student missed. If the student who failed the first version of the Lesson Posttest also fails the variant, provide additional assistance to the student before he/she retakes the Lesson Posttest.

Notes:

- 1) There are no Module Posttests for the Due Process Provisions TPSS module.

Section 3 - Lesson Summaries

Training Coordinator Notes:

After all students have completed each lesson, review the entire lesson by reading the appropriate following summary (or your own personalized version). Respond to any questions they may raise.

After you have presented the lesson review, if a student is unsure about any of the lesson content, allow him or her some time to review specific topics or issues within the appropriate lesson.

Tell students:

“Now that you have completed the lesson, you should find it easier to understand the multiple actions involved in fulfilling the Due Process provisions for a claim. There are many Due Process provisions that you must check and recheck in the course of the rating process. No detail, regardless of how insignificant it may seem on the surface, can be overlooked. Remember that this practice is mandated by law in the Duty to Assist doctrine.”

**Lesson 1 – Due
Process
Notification and
Verification
Requirements**

A predetermination notice provides the claimant with advance notification of a proposed action to terminate, suspend, or reduce benefits, or to take any adverse action affecting their (or their beneficiary's) status.

Although the content of each predetermination notice will vary based on the issue involved, every predetermination notice must include the following elements:

- Statement of the proposed decision
- Statement of 60-day due process period
- Basis for the proposed decision
- Information about the right to present evidence, request a personal hearing, and have representation

You will take no adverse action on the issue until the 65th day following the date of the predetermination notice. The additional five days allow time for correspondence submitted near the end of the 60-day period to reach you.

There are circumstances in which a predetermination notice is not required (for example, when one disability of a combined evaluation is reduced, and that reduction does not affect the overall award). In these cases, you will send a contemporaneous notice to the claimant. A contemporaneous notice describes a completed award action.

Lesson 2 – Reduction

When you receive the claims folder, check the file for administrative completeness, and review all the source documents in the file to determine the need to prepare a proposal based on a change in disability.

Once you have reviewed all of the evidence in the file and noted your findings, determine whether the evidence indicates a change in the claimant's condition. If the claimant's condition has improved, prepare a proposal to reduce or terminate the running award. If there has been no change in the claimant's condition, prepare a Confirm and Continue (C&C) Rating. Similarly, if the claimant's condition worsened, prepare a rating to increase benefits.

There are three **protective provisions** that could prevent you from reducing or terminating a running award:

- You cannot reduce or terminate an award based solely on a change to the Schedule for Rating Disabilities, unless medical evidence establishes that the disability has actually improved.
- You cannot reduce or terminate an award for a disability that has been continuously rated for 20 or more years, unless that rating was based on fraud. The 20-year period starts at the effective date of the initial evaluation, and ends at the effective date of reduction of evaluation.
- You cannot reduce or terminate an award for a disability that has been in effect at the same level for five or more years, unless sustained improvement has been noted on more than one examination. These examinations must be as full and complete as the exam on which the original rating was based.

Also, you cannot sever service connection for any disability if the connection has been in effect for 10 or more years, unless the original grant was based on fraud. You can reduce a service-connected total disability rating only when your decision is based on an examination that is as full and complete as the examination on which the preceding rating was based.

Once you have reviewed the case and ensured that no protective provisions apply, prepare a proposal rating to reduce or terminate the award. A predetermination letter will be sent to the claimant, who will then have 60 days to provide new evidence of eligibility and/or request a hearing.

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Carefully examine any new evidence you receive during the 60-day due process period. Does the new evidence show that the claimant's condition has remained the same? Then prepare a rating to confirm and continue. Has his or her condition deteriorated? Prepare a rating to increase benefits. Is there evidence that you need more information to make a rating decision? Gather non-VA related evidence as needed and, if a VA exam is required, select the type of exam needed and complete a C&P Exam Request. Otherwise, once you have analyzed all the evidence available for the case, noted your findings, and applied the rules of evidence, you should formalize a final rating to reduce or terminate benefits.

**Lesson 3 –
Failure to
Report for a
Routine
Examination**

Routine Future Examinations (RFEs) help establish continued entitlement to benefits when a claimant is rated for a condition that is subject to improvement. When a claimant fails to report for an RFE without good cause, you will prepare a proposal rating to reduce or terminate benefits for that condition.

As a Rater, you determine what constitutes good cause. Some examples of good cause are illness or hospitalization of the claimant, death of an immediate family member, or some other unavoidable situation. If a claimant furnishes evidence of good cause for not reporting to an RFE, prepare a deferred rating and reschedule the examination. In such cases, the claimant will be notified that failure to report for the rescheduled examination may be cause for immediate termination or reduction of benefits.

If the claimant does not provide good cause, initiate the proposal to reduce or terminate benefits. Check the claimant's file for administrative completeness and examine all file contents for any relevant evidence or protective provisions. If the evidence indicates that a proposal to discontinue or reduce benefits is warranted, prepare the proposal rating. A predetermination letter will be sent to the claimant, who will then have 60 days to provide new evidence of eligibility and/or request a hearing.

You may receive new evidence during the 60-day due process period. Evaluate the evidence to determine whether the material changes the proposed rating. If you receive evidence, which indicates that a VA examination is necessary, order the appropriate exam.

Also, note whether the claimant has responded to the proposal rating. If the claimant indicated that he or she would report for a rescheduled RFE, complete a C&P Exam Request and reschedule an exam. You will defer a final rating until you receive new medical evidence from the rescheduled RFE.

Formalize a final rating to reduce or terminate benefits (according to the rating schedule) when:

- evidence you received during the 60-day due process period indicates that the claimant's condition has improved;
- the claimant does not respond to the proposal or provide additional evidence within the due process period; or
- the claimant responds to the proposal, you schedule another RFE, and the claimant fails to report for a second time.

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If you receive evidence during the due process period, which shows that the claimant's condition has worsened, you should prepare a rating to increase benefits according to the provisions of the rating schedule. If the evidence you receive during the 60-day due process period does not indicate an improvement or deterioration in the claimant's condition, you should prepare a confirm and continue rating. And if the new evidence you receive casts any doubt on the claimant's current disability rating, continue the rating but schedule a new RFE.

**Lesson 4 –
Discontinue
Entitlement to
Non-service
Connected
Pension (NSC)
or Special
Monthly
Pension (SMP)**

Nonservice-connected pension (NSC) or special monthly pension (SMP) due process cases occur infrequently. You will initiate a proposal to discontinue entitlement to NSC pension or SMP only if you receive evidence that indicates a change in the claimant's eligibility status (such as a VA exam or hospital report indicating partial or full recovery).

Check the file for administrative completeness and identify the benefit being evaluated (NSC pension or SMP). Review the background information, including the previous rating decision(s) and all of the previous evidence that was considered.

Pensions are awarded for permanent disabilities, so when you review the claims folder, examine the nature of the disability for which the claimant is currently receiving benefits. Some disabilities cannot improve (an amputation, for example), but others may improve over time. Pay special attention to past and present medical records, including previous evaluations, hospital reports, and VA exams on which previous rating decisions were based. Look for any pattern of improvement.

After you review the evidence in the claims folder, decide whether there is sufficient evidence to discontinue entitlement. If there is evidence that establishes a reasonable basis for the claimant no longer being entitled to NSC pension or SMP, you would request further evidence or request an appropriate VA exam. (If further evidence does not support non-entitlement, no further action is required.)

Also, make sure that this case is not covered by any protective provisions. If the case you are reviewing is protected for any reason, no further action is necessary.

If the case isn't protected, and there is no evidence to support continued entitlement, prepare a proposal to discontinue entitlement to NSC pension or SMP. A predetermination letter will be sent to the claimant, who will then have 60 days to provide new evidence of eligibility and/or request a hearing.

Carefully examine any new evidence you receive during the 60-day due process period. Does the new evidence show that the claimant's condition has remained the same? Then prepare a rating to confirm and continue. Has his or her condition deteriorated? Prepare a rating to increase SMP benefits. Is there evidence that you need more information to make a rating decision? Gather non-VA related evidence as needed, and, if a VA exam is required, select the type of exam needed and complete a C&P Exam Request.

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Formalize a final rating decision to discontinue entitlement if:

- you receive no additional evidence during the due process period;
- the claimant submits insufficient evidence to support continued entitlement; or
- you receive evidence in support of a final rating to discontinue entitlement (such as a VA exam indicating recovery).

**Lesson 5 –
Competency
Status**

A mentally incompetent person is one who, because of injury or disease, lacks the mental capacity to manage his or her own affairs, including disbursement of funds without limitation. As a Rater, you have the sole authority to determine a claimant's competency status for VA purposes. You should consider competency as an issue in any case where the evidence raises questions about the claimant's ability to manage financial affairs.

Check the claims folder for administrative completeness, and identify and verify the following information:

- The claimant must be entitled to or be receiving payment in his or her own name.
- The claimant must have made an original claim for benefits.
- If the Veteran is deceased, the claimant must have a direct relationship to the Veteran. You may need to confirm items of evidence that constitute proof of that relationship.

Next, look for the following types of evidence in the claims folder:

- **Court Order** – If a court has already declared the claimant incompetent, and a copy of a court order is in the claims folder, you do not need to issue a proposal rating because notice and hearing have already been given under the laws of the state. You can simply formalize a final rating for incompetency.
- **Medical Evidence** – The claims folder must include definitive evidence by a responsible medical authority before you can make a determination of incompetency for a claimant.
- **Non-medical Evidence** – You may use non-medical evidence, such as police reports or family statements, as an indicator of incompetence, but that evidence alone is not enough for you to determine competency status.

When you review the evidence, you may determine that the claimant's competency has been restored. Defer the rating and request a field examination and a psychiatric exam of the claimant. You must have current medical and psychological evaluations of the claimant before you can make a rating decision to restore competency.

If the evidence of record supports a probable conclusion of incompetency, issue a rating proposing a change in competency status. A predetermination letter will be sent to the claimant, who will then have 60 days to provide new evidence of eligibility and/or request a hearing.

During the 60-day due process period, you may receive information to establish a reasonable basis for reexamination. You may also need to request related VA evidence or non-VA evidence during the due process period. Defer a final rating only while awaiting receipt of related VA evidence.

If the new evidence you receive during the 60-day due process period does not warrant a change to the proposal rating, then formalize a final rating to change competency status.