Introduction to Dependency Development

Trainee Handout

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Objectives

At the end of this lesson, you will be able to:

* Describe eligibility requirements for dependency claims
* Recognize the requirement to develop dependency claims concurrently with rating claims
* Identify the information necessary for additional compensation for dependents
* Identify missing dependency information and take the appropriate development action
* Prepare the appropriate correspondence to document development actions

References

* [M21-1, Part III, Subpart i, 3.B Processing Fully Developed Claims (FDCs)](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014110%2FM21-1-Part-III-Subpart-i-Chapter-3-Section-B-Processing-Fully-Developed-Claims-FDCs)
* [M21-1, Part III, Subpart iii, 1.B Evidence Requested From the Claimant](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014152%2FM21-1-Part-III-Subpart-iii-Chapter-1-Section-B-Evidence-Requested-From-the-Claimant)
* [M21-1, Part III, Subpart iii, 5.A General Information on Relationship and Dependency](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000015798%2FM21-1-Part-III-Subpart-iii-Chapter-5-Section-A-General-Information-on-Relationship-and-Dependency)

Topic 1: Additional Benefits for Dependents

Establishing an individual relationship to a Veteran is critical in determining benefits because the Department of Veterans Affairs (VA) may pay additional disability compensation to a Veteran for his/her dependent(s) if the Veteran has a combined disability rating of at least 30 percent.

Qualifying dependents include Veteran’s spouse, child and/or parent.

**Initial Dependency Development**

The existence of dependents is ***not*** a factor in determining entitlement to disability compensation. Nevertheless, in order to ensure a Veteran receives all the benefits to which he/she is entitled in a timely manner, undertake any development necessary to establish entitlement to additional compensation for dependents **during the initial development phase of claims processing upon receipt of**

* an original or reopened claim for disability compensation, or
* a claim for increased disability compensation

The upfront development referenced in the above paragraph must be undertaken, even if the Veteran’s combined disability rating is currently less than 30 percent, ***unless*** there is no reasonable possibility that a favorable decision on the Veteran’s claim will result in the assignment of a combined disability rating of at least 30 percent.

When additional information is needed, the VSR must telephone the claimant for the purpose of obtaining the missing information. However, if the claimant cannot be reached, create a letter in VBMS that requests the missing information/evidence that VA requires in order to recognize an individual as a Veteran’s dependent.

If a claimant lacks status as the dependent of a Veteran for VA purposes, deny his/her claim without further development.

**Acceptable Methods of establishing Relationships or Dependency**

Effective March 24, 2015, requests to add a dependent must be filed on one of the prescribed forms:

* + 21-526, *Application for Disability Compensation and Related Compensation Benefits*
	+ 21-686c, *Declaration of Status of Dependents*
	+ 21-674, *Request for Approval of School Attendance*
	+ 21-0538, *Status of Dependents Questionnaire*

**NOTE:** If the request to add dependents is not on the prescribed form, attempt to call the veteran for the purpose of completing the required form. If you are unable to reach the Veteran, document the phone call with a note in VBMS, and send a development letter requesting the veteran to complete the form.

**Important**: A Veteran may use [VA Form 21-0538](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21-0538-ARE.pdf), to **initiate** the process of adding a spouse to his/her award. However, this form contains no sections wherein the Veteran may provide his/her marital history or the marital history of his/her spouse. Without this information, VA cannot determine whether the Veteran and his/her spouse are free to marry. Accordingly, a Veteran in this case must ultimately provide the information contained in [VA Form 21-686c](http://www.vba.va.gov/pubs/forms/VBA-21-686c-ARE.pdf)  **in addition to** the [VA Form 21-0538](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21-0538-ARE.pdf). In accordance with [M21-1 Part III, Subpart iii, 5. A.4.h](https://vaww.vba.esp.va.gov/sites/SPTNCIO/focusedveterans/training/VSRvirtualtraining/Curriculum%20Library/Forms/AllItems.aspx?RootFolder=%2Fsites%2FSPTNCIO%2Ffocusedveterans%2Ftraining%2FVSRvirtualtraining%2FCurriculum%20Library%2FDependency%20Development%20%2D%20New%20Challenge%20Course&FolderCTID=0x012000BEA418207E86454DAF46095C67BA230B&View=%7bFF87A4D1-C791-44B6-A5C9-69955A14496C%7d), this information may be obtained through a phone call to the Veteran.

**Substantially Complete Claim**

The form a claimant uses to initiate the process of adding a dependent to his/her award must be “substantially complete,” which means it must:

* Bear the claimant’s signature
* Provide the claimant’s name and relationship to the Veteran, if applicable, and
* Contain enough information to identify the benefit the claimant is seeking.

A form may be substantially complete but fail to provide all the evidence/information VA requires to add a dependent to a claimant’s award.

**End Product and Contention**

Do not establish an independent EP if associated with an initial claim for compensation. If we receive the initial claim (110, 010) and the claim for dependency on the same day, do not establish a separate EP 130.

Establish an EP 130 if the claim has been received in conjunction with or while an EP 020 is pending.

An individual contention must be added in VBMS for reach dependent:

* Example: Dependency claim for Karen, Spouse
* Example: Dependency claim for Christina, child

**VA Form 21-686c, Declaration of Status of Dependents**

The VA Form 21-686c, Declaration of Status of Dependents is the primary form used to collect the appropriate information that is needed to establish dependency relationship. By reviewing the completed VA Form 21-686c is must be determined if additional forms or development may be required.

**The following information is required to establish a spouse:**

* Name (if the only the first name, assume the last name is the last name of the Veteran)
* Date of birth
* Social Security Number
* Date of the marriage
	+ Month and Year
	+ City and State

Important to note: If the city is well-known, the state is not required.

The following exception applies:

Completion of block 6 and 8 on VA Form 21-686c, “How many times have you been married?” is optional.

If a beneficiary or claimant enters a number in blocks 6 or 8 that does not match the number of marriages listed in block 7 and 9 contact the claimant for verification.

**The following information is required to establish a child:**

* Date and place of birth to include
	+ Month, day and year
	+ City and State
* Social Security Number
* Relationship to the Veteran

Note: SSNs are important to VA because they enable VA to conduct data exchanges with other agencies. Many nonresident aliens do not have SSNs, and the VA does not require them to obtain one. In addition, it is unnecessary to request an SSN (or a certified statement indicating that no SSN has been assigned to or requested) for an individual who

* Has no SSN
* Is not a United citizen, and
* Resides outside
	+ The United States
	+ The Commonwealth of Puerto Rico
	+ The Virgin Islands
	+ American Samoa
	+ Guam or
	+ The Northern Marianas

(Per [M21-1 III.Subpart iii.5.A.5.c](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000015798%2FM21-1-Part-III-Subpart-iii-Chapter-5-Section-A-General-Information-on-Relationship-and-Dependency))

Note: Veteran does not have to provide the state if the birth occurred in a well-known city

**The following information is required to establish an adopted child:**

* Decree of Adoption, or
* Adoptive placement agreement, or
* Revised birth certificate, or
* Interlocutory decree of adoption.

Oral or written certification alone is not sufficient.

**The following information is required to establish a School child:**

VA pays benefits based on school attendance for a Veteran’s child that is between the ages of 18 and 23, and is in continuous school attendance at a VA-accredited school. They must submit a VA Form 21-674, *Request for Approval of School Attendance*.

If the Veteran indicates on the VA Form 21-686c that a child is over the age of 18 and in school, or submits VA Form 21-674 that is incomplete

* Attempt to contact by phone, if successful, complete a VA Form 21-674 and complete a VA Form 27-0820, *Report of General Information*
* If contact is unsuccessful, annotate electronically and develop appropriately

**Helpless Children**

A helpless child is the child of a veteran that, prior to age 18, became permanently incapable of self-support. A rating decision is always required to establish a child as helpless. The claim will be processed under EP 010, 110, or 020 – NOT an EP 130.

Develop for medical evidence which indicates the child was permanently incapable of self-support prior to age 18.

**If the claim has incomplete information,**

* Always attempt to obtain any missing evidence/information from the claimant by telephone.
* When telephone contact is made with a claimant, document the conversation on [*VA Form 27-0820, Report of General Information*](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-27-0820-ARE.pdf)and associate with the claims folder.
* Document any *unsuccessful* attempts to contact a claimant by telephone as a permanent note in the applicable claims-processing system.
* If the claimant cannot be reached by telephone, request the evidence/information by letter.
	+ If the claim is substantially complete,
		- Establish EP control, unless the appropriate EP is already pending,
		- Send a letter to the claimant requesting the missing evidence or information, and
		- Allow the claimant 30 days to provide the missing evidence or information.
	+ If the claim is *not* substantially complete,
		- CEST EP 400, or change pending EP to EP 400,
		- Print or make a copy of the form,
		- Highlight the blocks that require completion, and
		- Attach the form to a letter that:
			* Instructs the claimant to complete those portions of the form that are highlighted, and
			* Informs the claimant that VA will not pay benefits based upon submission of the form unless he/she returns the completed form within one year.

Note: The *Incomplete Application* letter in the Letter Creator tool

may be used to generate this letter.

* + - Clear the EP 400 and take no further action until the claimant returns the form.

Job Aid

**Dependency Development Requirements**

If a claimant submits a request to add a dependent to his/her award but fails to use one of the forms referenced in M21-1, Part III, Subpart ii, 2.B.1.b, first attempt to contact the claimant ***by telephone for the purpose of completing*** ***VA Form 21-686c*** and/or ***VA Form 21-674*** on the claimant’s behalf. (M21-1 III.iii.5.A.4.c)

Spouse (Must be submitted on VA Form 21-686c, Declaration of Status of Dependents):

* Name (if the only the first name, assume the last name is the last name of the Veteran)
* Date of birth
* Social Security Number
* Date of marriage (month/year)
	+ Month and Year
	+ City and State (If the city is well-known, the state is not required.)

Marital history:

* Use of Block 6 and 8 is ***optional***.
* If used Veteran must supply complete marital history to match entries in block 6 and 8
* Date of previous marriage (month and year)
* Place of previous marriage, City/County and State. (If the city is well-known, the state is not required.)
* How previous marriage ended, Death, Divorce or Annulment
* Date previous marriage ended (month/year)
* Place previous marriage ended, City/County and State. (If the city is well-known, the state is not required.)

Minor Children (Must be submitted on VA Form 21-686c):

* Biological or Step-Children
	+ Date and place of birth to include
		- Month, day and year
		- City and State (If the city is well-known, the state is not required.)
	+ Social Security Number
	+ Relationship to the Veteran
* Adopted child.
	+ Date of birth, (month/**day**/year)
	+ Place of birth, City/County and State. (If the city is well-known, the state is not required.)
	+ Copy of the decree of adoption, or adoptive placement agreement, or Revised birth certificate, or Interlocutory decree of adoption
	+ Copy of document is mandatory.

School Children (Must be on VA Form 21-686c and VA Form 21-674, Request for Approval of School Attendance):

* 18-23 attending an approved institution
* Must have all information for a minor child on 21-686c.
* Veteran must complete VA Form 21-674
	+ Name of Student
	+ Social Security Number for Student
	+ Name and address for school
	+ Date term begins
	+ Date of graduation
	+ Be sure to read the entire form, some information is only required based on information provided by the Veteran.
		- Yes in 7A requires completion of 7B and 7C
		- No in 10A requires completion of 10B, 10C and 10D
		- Yes in 11A requires completion of 11B, 11C, 11D, 11E and 11F **(Note: We are only concerned about these blocks if the child was over 18 during the term)**

Helpless Children – This claim will be processed under EP 010, 110, or 020, NOT an EP 130. VSR will have to develop for medical evidence which indicates the child was permanently incapable of self-support prior to age 18.

Practical Exercise

1. What is the primary reason the VA undertakes development of dependency claims during the initial development phase of claims processing?
2. What is needed for a substantially complete claim?
3. What information is required to establish a spouse?
4. What information is required to establish a minor child?
5. What information is required to establish a school age child?