(VSR VIP Post-D) Dependency Development for Post-Determination

Trainee Handout

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Objectives

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

* Describe common prescribed forms for claims for additional compensation for dependents and related policies
* Recognize proper end product (EP) control and contentions for claims for additional compensation for dependents
* Identify the basic eligibility requirements for additional compensation for dependents and policies for development
* Identify specific requirements for establishing a spouse as a dependent
* Identify specific requirements for establishing biological, adopted and stepchildren as dependents
* Describe proper development actions necessary when a claim or information submitted with a claim is incomplete, to include appropriate correspondence

References

* [38 CFR 3.4(b)(2)](https://www.ecfr.gov/cgi-bin/text-idx?SID=2eb3a1647cf22e71b98a5cc2647a85a5&mc=true&node=se38.1.3_14&rgn=div8), Compensation. Disability Compensation. An additional amount
* [38 CFR 3.204](https://www.ecfr.gov/cgi-bin/text-idx?SID=1ce31eae2df6edd7a0ef5fc591371cab&mc=true&node=se38.1.3_1204&rgn=div8), Evidence of dependents and age
* [38 CFR 3.401(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=dbfb9cf4e753f3f155f2bbd6100dff18&mc=true&node=se38.1.3_1401&rgn=div8), Veterans. Dependent, additional compensation or pension for
* [M21-1, Part III, Subpart i, 3.B](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014110/M21-1-Part-III-Subpart-i-Chapter-3-Section-B-Processing-Fully-Developed-Claims-FDCs), Processing Fully Developed Claims (FDCs)
* [M21-1, Part III, Subpart iii, 1.B](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014152/M21-1-Part-III-Subpart-iii-Chapter-1-Section-B-Evidence-Requested-From-the-Claimant), Evidence Requested from the Claimant
* [M21-1, Part III, Subpart iii, 1.F.2](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000071983/M21-1-Part-III-Subpart-iii-Chapter-1-Section-F-Record-Maintenance-During-the-Development-Process#2), Utilizing Contentions and Special Issue Indicators Associated With the Claimed Issues
* [M21-1, Part III, Subpart iii, 5.A](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015798/M21-1-Part-III-Subpart-iii-Chapter-5-Section-A-General-Information-on-Relationship-and-Dependency), General Information on Relationship and Dependency
* [M21-1, Part III, Subpart iii, 5.B](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015799/M21-1-Part-III-Subpart-iii-Chapter-5-Section-B-Establishing-the-Validity-of-a-Marriage-for-Department-of-Veterans-Affairs-VA-Purposes), Establishing the Validity of a Marriage for Department of Veterans Affairs (VA) Purposes
* [M21-1 Part III, Subpart iii, 5.C](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015795/M21-1-Part-III-Subpart-iii-Chapter-5-Section-C-Establishing-Common-Law-Marriages), Establishing Common Law Marriages
* [M21-1 Part III, Subpart iii, 5.D](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015800/M21-1-Part-III-Subpart-iii-Chapter-5-Section-D-Establishing-Other-Types-of-Marriages), Establishing Other Types of Marriages
* [M21-1, Part III, Subpart iii, 5.F](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015796/M21-1-Part-III-Subpart-iii-Chapter-5-Section-F-Establishing-a-Childs-Age-and-Relationship), Establishing a Child’s Age and Relationship
* [M21-1, Part III, Subpart iii, 5.G](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015802/M21-1-Part-III-Subpart-iii-Chapter-5-Section-G-Establishing-a-Biological-Child-Adopted-Child-or-Stepchild-as-a-Veterans-Child-for-Department-of-Veterans-Affairs-VA-Purposes), Biological Children, Adopted Children, and Stepchildren
* [M21-1, Part III, Subpart iii, 7.2](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014185/M21-1,%20Part%20III,%20Subpart%20iii,%20Chapter%207%20-%20A%20Child%E2%80%99s%20Permanent%20Incapacity%20for%20Self-Support), Developing for and Determining Permanent Incapacity for Self-Support
* [Divorce Effective Date Table](https://vbaw.vba.va.gov/bl/21/rating/rat00.htm) (Follow link to the Job Aids page, then click on the link to the document.)
* [Letter Creator](https://vbaw.vba.va.gov/bl/21/rating/rat00.htm) tool (Follow the link to the Job Aids page, then click on the link for the tool.)
* [VBMS Core User Guide](https://vbaw.vba.va.gov/VBMS/docs/VBMS_Core_User_Guide_Release_19_0.pdf)

Topic 1: Forms, Claims Establishment, & System Updates

**Prescribed Forms for Claiming Dependents**

Requests to add a dependent to an award must be filed on one of the prescribed forms noted in the last row of the table in *M21-1, Part III, Subpart ii, 2.B.1.b*. The *most common* are:

* *VA Form 21-686c, Application Request to Add and/or Remove Dependents*
  + Primary form used to collect the appropriate information needed to establish a legal relationship exists between a Veteran and a claimed dependent
  + Upon reviewing the completed *VA Form 21-686c*, it must be determined if additional forms or information are required
* *VA Form 21-674, Request for Approval of School Attendance*
  + Information including the name and address of institution, start and end dates, expected graduation dates must be provided by the Veteran
  + If the benefit is compensation, the financial information is not needed
* *VA Form 21-0538, Mandatory Status of Dependents* (December 2017 version or earlier)
  + Required completion every 8 years to confirm dependents
  + May be used to *initiate* a claim for additional compensation for dependents
  + Additional information usually needed

*Note*: See *Topic 4: Development Actions*, for what to do when a claim is *not* submitted on a necessary prescribed form.

VA ***does not*** require Veterans to use a specific form to report a change in a dependent’s status that will result in ***removal*** of the dependent from the Veteran’s award. He/she may report such changes

* in writing
* by telephone, e-mail, or fax, or
* through eBenefits or other electronic systems.

At a minimum, the Veteran must provide the date (month, day, and year) of the event (divorce, death of a dependent, marriage of a child, etc.) that necessitates the removal. Follow the instructions in *M21-1, Part III, Subpart iii, 5.L.4.f*, if the information is not provided.

**Form Completion by Certain VBA Employees**

At times, the VSR may see these forms in the Veteran’s file having been signed by a VA employee, or need to complete one of these forms during review. VA authorizes its regional office and call center employees to

* complete *VA Forms 21-686c* and *21-674*, using information they obtain from a claimant over the telephone, and
* sign the form on the claimant’s behalf.

The form must include clear identification of the employee executing the form through a digital signature or a wet signature, when electronic submission is not available. A separate *VA Form 27-0820, Report of General Information*, is ***not*** needed in this case.

***VA Form 21-686c (September 2018 or Later)*** *(See M21-1, Part III, Subpart iii, 5.A.4.d)*

With the publication of the September 2018 version of *VA Form 21-686c*, the Veteran is notified upfront of the information/evidence needed to add dependents to his/her award, similar to how EZ forms work.

If the Veteran filed a claim for additional compensation for dependents on a ***September 2018 or later*** version of *VA Form 21-686c* but did not provide the information/evidence the form requires the Veteran to provide, do ***not*** undertake development. Instead, deny entitlement, do *not* maintain EP control. and notify the Veteran of the decision.

The decision notice for the denial should:

* Ask the Veteran to provide the missing information/evidence that prevented VA from awarding additional compensation, and
* Inform the Veteran that unless VA receives the missing information/evidence within one year of the decision notice, VA cannot pay additional compensation for the dependent(s) based on the present claim

*Exceptions*:

* If the form *does not* ask for information that is necessary based on the type of dependent and action needed, *development is still necessary* to obtain the information
* This rule does ***not*** relieve VA of its obligation to assist a Veteran in obtaining documentary evidence (when required) of a life event (such as a birth, death, marriage, or divorce) if the Veteran indicates he/she is unable to provide it

**Accepting an Outdated *VA Form 21-686c***

VA accepts outdated forms for 12 months after a revision date. Although the 12-month time limit to use prior versions of *VA Form 21-686c* has passed, exceptions do apply. The following are exceptions to the time limit:

* Generated through a VA electronic claims submission system – eBenefits, SEP, D2D, other VA systems that include form-generation capacity
* Form submitted by an authorized VSR representative – electronically or via paper

**End Product (EP) Control**

EP 110 or 010 (*original EP*) – If a claim for additional compensation for dependents is received in conjunction with an original claim for disability compensation or while an EP 110 or 010 is pending, regardless of whether VA received the claims at the same time, add the contentions to that EP. *Do not* establish a separate EP 130.

*Exception:* If a rating was completed on an EP 010 or 110, assigning a combined evaluation of at least 30%, and at least one issue is deferred (continuing said EP), a separate EP 130 should be established if a *subsequent* claim for additional compensation for dependents is received.

EP 130 – Establish an EP 130 when VA receives a claim for additional compensation for dependents

* by itself and the Veteran has an overall combined disability evaluation of at least 30%
* in conjunction with or while an EP 020 or 040 is pending, or
* while an EP 110 or 010 is pending, under the exception listed above.

**Contentions**

An individual contention must be added in VBMS for *each* dependent, to include the name of the dependent. For example:

* dependency claim for Mary, spouse
* dependency claim for Jack, child

When adding a contention, enter Administrative Issue in the Classification field and No in the Medical field.

When *removing a dependent*, the corresponding award adjustment will likely result in the creation of an overpayment. Therefore, the *Potential Under/Overpayment* special issue *must* be added to the contention to track the timeliness of the award adjustment.

**Effect of Development on Fully Developed Claim (FDC) Status**

The receipt of a claim for additional compensation for a dependent may affect the status of an FDC for disability compensation. A claim for disability compensation must be excluded from the FDC program under the following circumstances:

* A claim for additional compensation for a dependent and an FDC are received at the same time, **and** the former claim requires development (exclusion reason: claim requires development)
* An FDC is pending and a claim for additional compensation for a dependent(s) is subsequently received (exclusion reason: claimant submits an additional claim), *even if it does not require additional development*
* A claim for additional compensation for a dependent(s) is pending and an FDC is subsequently received (exclusion reason: claim pending at the time VA receives the EZ form)

Topic 2: Basic Eligibility & Policies

**Additional Compensation for Dependents**

Establishing an individual’s relationship as a Veteran’s dependent is critical in determining the amount of compensation payable, because the Department of Veterans Affairs (VA) may pay additional compensation to a Veteran for his/her dependent(s).

First and foremost, a Veteran must have an overall combined disability rating of at least 30% to receive additional compensation for a spouse, child(ren), and/or dependent parent(s).

**Dependents for VA Purposes**

**Dependents:**

* Spouse
* Biological child
* Stepchild
* Adopted child
* Child incapable of self-support (Helpless child)
* School child
* \*Parent (financial dependency must be shown)

**Not Dependents:**

* Foster child
* Grandchild
* Mother or Father in-law
* Ex-spouse
* Stepchild when no longer a member of the Veteran’s household (exceptions may apply)

Additional information regarding information and/or evidence required for each type of dependent will be discussed in detail later in this course.

\*Claims for additional compensation for parents will *not* be discussed in this entry-level course.

**Proof of Familial Relationship**

*VA Form 21-686c, Application Request to Add and/or Remove Dependents*, is the primary form used to collect the appropriate information that is needed to establish a legal relationship exists between a Veteran and a claimed dependent. After reviewing the completed *VA Form 21-686c*, it must be determined if additional forms or information are required.

In most cases, VA will accept the entries a Veteran makes on *VA Form 21-686c* as sufficient proof of the following:

* Marriage
* Dissolution of a marriage
* Birth of a child
* Introduction of a stepchild into a Veteran’s family, or
* Death of a dependent

*M21-1, Part III, Subpart iii, 5.A.2.b*, describes exceptions to the policy described above*.*

**Mandatory Disclosure of Social Security Numbers (SSNs)**

Veterans are required to disclose to VA their Social Security number (SSN) and the SSNs of their dependents as a condition of receiving or continuing to receive compensation. SSNs are required to add any dependent to a Veteran’s award unless the Veteran provides a statement indicating no SSN has been assigned or requested (e.g. Foreign National, not residing in the United States or its territories). SSNs are important because they enable VA to conduct data exchanges with other agencies. For additional information, see *M21-1, Part III, Subpart iii, 5.A.5*.

**Reviewing the File Prior to Development/Denial**

When reviewing a claim for additional compensation for dependents, the VSR may determine information the form requested, or evidence the form notified the Veteran was needed in conjunction with the claim, is missing or was not submitted with the claim. Before denying the claim, or requesting the missing information or evidence, it is the VSRs responsibility to review the file to determine if the information or evidence is already of record. (*M21-1, Part III, Subpart iii, 5.A.1.f, 3rd bullet*)

When reviewing the eFolder, go to the *Documents* screen in VBMS Core. From there you can either scroll through the documents, or you can use the Narrow Search Results functions on the left side of screen, including *Keyword*, *Associated Claims*, *Bookmarks (Dependency)*, etc.

Information/evidence to look for regarding *currently claimed* dependents:

* Prior claims forms or other documented communication containing dates of events (birth, marriage, death, divorce) and/or SSNs
* Copies of the public record of events and SSNs
* Veteran’s Official Military Personnel File (OMPF) records
* Defense Enrollment Eligibility Reporting System (DEERS) records
* Veteran Readiness & Employment (VR&E) Service records (formerly known as Vocational Rehabilitation & Employment (VR&E) Service)

*Note:* OMPF and DEERS records should not routinely be requested in conjunction with claims for additional benefits for dependents (unless specifically identified); however, if they are already of record in the Veteran’s file, information regarding dependents may be contained within.

**When to Develop or Deny**

*VA Form 21-686c (versions* ***prior*** *to September 2018) or other prescribed forms:*

*Develop*

If additional information or evidence is needed from the Veteran before a decision can be made, attempt to obtain it via telephone. If the information/evidence cannot be obtained via telephone, send a letter informing the Veteran what is still needed and allow 30 days to respond. Development letters can be created in VBMS-Core under a Subsequent Development Letter.

Reasons for development may include:

* information is missing from the prescribed form.
* additional evidence is needed, and/or
* there is conflicting information.

When sending a letter requesting additional information or evidence from the Veteran, allow 30 days to respond. If development is properly completed in VBMS Core, the correct suspense date and tracked item(s) will generate automatically when the letter is finalized.

For more information on the requirement to undertake development for dependents when processing claims for disability compensation during the *initial development phase* of processing a claim for disability compensation, see *M21-1, Part III, Subpart iii, 5.A.1.h*.

*Deny*

If a development letter was sent, as discussed above, the 30-day suspense has expired, and the Veteran has not responded, the claim should be denied for “Failure to Furnish Requested Evidence.” VA must make reasonable efforts to assist a Veteran in securing evidence, but the Veteran always has the initial burden of proof. This means that unless the Veteran furnishes evidence on each element needed to establish the point at issue, VA must deny the claim. You will learn denial procedures in a later course.

Deny the claim without development in the following situations:

* The individual for whom additional compensation is claimed lacks the status of a dependent (e.g. grandchild or foster child)
* A Veteran, who does *not* have an overall combined disability rating of at least 30% files a claim for additional compensation for dependents, and there is *no* pending claim that might result in the assignment of a combined disability rating of at least 30% (*M21-1, Part III, Subpart iii, 5.A.4.b, 3rd Exceptions bullet*; *M21-1, Part III, Subpart iii, 5.L.1.f*)

*Note*: While you will learn procedures for denying these claims in a later course, the information is included here so that you understand that development is not needed in these situations.

Topic 3: Required Information/Evidence for Dependents

***Spouse***

**Establishing a Valid Marriage**

VA may pay additional compensation to a Veteran for a spouse if their marriage is valid for VA purposes. A marriage is valid for VA purposes if the marriage is valid under the law of the locality where the parties resided

* At the time of marriage, or
* When the Veteran filed a valid claim (or became eligible for additional compensation for a spouse, if eligibility arose after the date of claim)

If necessary, use the *Divorce Effective Date Table (see references section)* to determine if additional documentation/information is needed, or to determine the date on which the termination of an individual’s prior marriage became final, thereby rendering him/her free to marry.

**Individuals Free to Marry**

A marriage cannot be contracted if either party is already married. The fact that a marriage is legal implies that the parties to the marriage were free to marry at the time of the alleged marriage. If either party was married previously, the current marriage is invalid unless the prior marriage was

* terminated by death, divorce, or annulment, or
* determined to be void under State law.

**Types of Marriages VA May Recognize**

* **Traditional marriage** – performed by a clergyman or authorized public official.
* **Common-law marriage** – entered into by agreement of the parties, not requiring a formal ceremony (only in certain jurisdictions). See M21-1, Part III, Subpart iii, 5.C for additional information on common-law marriage (requires administrative decision).
* **Tribal marriage** – a marriage purported to have been celebrated under tribal custom. Development for facts and circumstances surrounding the marriage is needed. See M21-1, Part III, Subpart iii, 5.D.1.a for steps to follow for development (requires Regional Counsel opinion).
* **Proxy marriage** – a marriage contracted or celebrated by one or more agents on behalf of the actual parties to the marriage. Validity is based on the law of the particular jurisdiction. See *M21-1, Part III, Subpart iii, 5.D.1.b-c* for additional information(requires Regional Counsel opinion).

*Note:* The process for determining the validity of a same-sex marriage is no different than the process for determining the validity of a marriage between individuals of the opposite sex (as described in *M21-1, Part III, Subpart iii, 5.B*).

**Criteria for Establishing a Spouse**

To establish an individual as a Veteran’s spouse for VA purposes, the Veteran must complete all applicable blocks on *VA Form 21-686c*. (If the claim is submitted on another prescribed form, development for additional information will likely be required.)

Documentary evidence of marriage is needed *only if*:

* the claimant *does not* reside within a state,
* *VA Form 21-686c* (or other prescribed form) contains conflicting information or raises a question regarding the validity of the marriage that can’t be resolved by:
  + telephone contact with the claimant, or
  + review of documentary evidence already of record, or
* there is a reasonable indication of fraud or misrepresentation.

Note: Completion of blocks 6 and 8 on earlier versions of VA Form 21-686c (prior to September 2018), which asked how many times the Veteran and his/her current spouse had married, was optional; however, if a beneficiary or claimant entered a number in blocks 6 or 8 that did not match the number of marriages listed in blocks 7 and 9, contact the claimant for clarification.

***Children***

**Criteria for Establishing Children (Biological, Adopted, and Stepchildren)**

Per M21-1, Part III, Subpart iii, 5.F.3.a:

* Name
* Social Security Number (SSN), if one has been assigned
* Date of birth (month, day and year)
* Place of birth (city/county and state or city and country (if outside the U.S.)), and
* Relationship to the Veteran (biological, adopted, stepchild, etc.)

***Important:*** Veterans ***must*** provide an SSN (or a certified statement that no SSN has been assigned or requested) for all children, regardless of a child’s age.

Note: If the Veteran only provides the **city** of the child’s birth, and it is a well-known city (such as Los Angeles, or Las Vegas), it is unnecessary to obtain the name of the state from the Veteran.

For children *not* residing with the Veteran, he/she must provide the name and address (if known) of the person with whom the child resides, or certify that the child’s whereabouts are unknown and provide evidence that child support payments are being made through a court or state agency.

Documentary evidence of a child’s age and relationship to the Veteran is required if

* the Veteran adopted the child, or
* at least one of the following conditions exist (per *38 CFR 3.204(a)(2)*):
  + the claimant does not reside within a State,
  + the claimant’s statement on its face raises a question of its validity, or
  + there is a reasonable indication of fraud or misrepresentation.

**Criteria for Establishing a Stepchild**

To recognize a stepchild as a child for VA purposes, VSRs must establish

* the Veteran’s marriage to the stepchild’s biological or adoptive parent, and
* that the stepchild is the biological or adopted child of the Veteran’s spouse.

The stepchild must be a member of the Veteran’s household or in the “constructive custody” of the Veteran as defined below:

* Member of the Veteran’s Household
* Physical member of the household, or
* Living apart due to medical reasons or because one of them is incarcerated, attending school, or fulfilling a military service obligation
* Constructive Custody – VA considers a stepchild a member of a Veteran’s household if the stepchild is in the Veteran’s “constructive custody.” A stepchild is in a Veteran’s constructive custody if the child is:
* separated from the Veteran for the reasons stated in the prior paragraph, or
* receiving at least half of his or her support from the Veteran

Evidence/Information Required to Establish a Stepchild

The veteran must complete and submit one of the forms listed in *M21-1, Part III, Subpart ii, 2.B.1.b*; however, it may be necessary to request additional information or evidence.

|  |  |
| --- | --- |
| **If** ... | **Then** ... |
| the Veteran is still living, and the stepchild no longer resides with the Veteran | ask the Veteran to   * explain why the stepchild resides elsewhere, and * state whether he/she provides at least one-half of the child’s total support. |
| the form the Veteran submitted does not ask him/her to provide the date and place of the Veteran’s marriage to the stepchild’s biological or adoptive parent | ask the Veteran to provide the date (month, day, and year) and place of marriage. |
| the form the Veteran submitted is complete but does not reveal whether the stepchild became a member of the Veteran’s household   * before reaching age 18, or * between the age of 18 and 23 while enrolled in and attending school | ask the Veteran to provide the date the stepchild became a member of the Veteran’s household. |
| at least one of the conditions described under *38 CFR 3.204(a)(2)* exist | ask the Veteran to provide a copy of the stepchild’s birth certificate, showing the name of both parents. |
| information/evidence the Veteran provides to VA reveals the Veteran's spouse is the adoptive parent of the child in question | ask the Veteran to provide a copy of the corresponding   * decree of adoption, or * adoptive placement agreement. |

***Exception to 4th and 5th blocks, above:*** Do not ask the Veteran to provide the evidence if the form the Veteran submitted is a ***September 2018 or later*** version of *VA Form 21-686c*.  Failure of the Veteran to provide the evidence is grounds for denial of the claim.

**Loss of Stepchild**

*(M21-1, Part III, Subpart iii, 5.G.6.g-k)*

When the Veteran reports the loss of a stepchild due to divorce, death, or annulment (from the child’s biological or adoptive parent), develop for the following:

* The date (month, day, and year) the child left the Veteran’s household, or a statement that the child remains in the Veteran’s household or constructive custody
* Termination of the marital relationship does not necessitate termination of the relationship between the Veteran and stepchild if the child lives apart from the Veteran, but the Veteran still contributes to the child’s support. In this situation, the Veteran must provide the
* the last date (month, day, and year) the stepchild lived with the Veteran,
* stepchild’s current mailing address,
* name of the stepchild’s custodian,
* total cost of supporting the stepchild, and
* amount of support the Veteran provides to or for the stepchild

**Criteria for Establishing an Adopted Child**

In addition to the information required for all children, one of the following is needed:

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

Oral or written certification alone is not sufficient (M21-1, Part III, Subpart iii, 5.G.2).

*Note:* VA may pay additional compensation for an adopted child based on an interlocutory decree of adoption or adoptive placement agreement; however, if the child leaves the custody of the adoptive parent or the court does not grant final approval of the adoption, the child must be removed from the Veteran’s award.

*\*Important:* If the revised birth certificate is the only documentation received, VA can only pay additional compensation for the adopted child from the date of receipt of the revised birth certificate. Therefore, VSRs must advise the Veteran that VA may grant entitlement from an earlier date, if he/she submits a copy of one of the aforementioned documents.

**Criteria for Establishing a Child Incapable of Self-Support (Helpless Child)**

A child incapable of self-support is a child of the Veteran that became that way prior to age 18. Common claims forms include, but are not limited to:

* *VA Form 21-526EZ*
* *VA Form 21-686c*
* *VA Form 21-0538 (December 2017 or earlier)*

These claims will be processed under an EP 020 – NOT an EP 130. A rating decision is always required to establish a child is incapable of self-support as this is a medical determination.

In addition to the information/evidence VA requires to add a child to a Veteran’s award, the Veteran must provide medical evidence that indicates the child became permanently incapable of self-support prior to age 18. If not received with the application, development must be undertaken to obtain it.

The following satisfy the development requirement:

* *VA Form 526EZ* (Do not undertake development if this is the form received.)
* *VA Form 21-686c* (September 2018 or later) (Do not undertake development if this is the form received.)
* Standard 5103 notice (Can be sent if one of the above forms were not received.)
* Custom 5103 notice (Can be sent if one of the above forms were not received.)

The child remains on the Veteran’s award indefinitely unless it is determined that he or she is no longer incapable of self-support, or the child gets married.

**Basic Requirements for Establishing a School Child**

VA pays additional compensation for a Veteran’s child that is between the ages of 18 and 23 and attending school at a VA-accredited school.

Although a claim for additional compensation for a school child may be initiated on another form such as *VA Form 21-686c* or *VA Form 21-0538 (December 2017 or earlier)*, the Veteran must also complete and submit a *VA Form 21-674*. Additionally, Veteran’s entitled to compensation do not need to complete the blocks regarding the child’s income.

VSRs may complete *VA Form 21-674* via telephone on behalf of the Veteran.

Do not undertake development for *VA Form 21-674* if the claim for the school age child was submitted on *VA Form 21-686c (Sep 2018 or later)*. The instructions have already requested the submission of the *VA Form 21-674* in conjunction with the claim.

*Note:* You will receive a more in-depth lesson on developing for, adding, and removing school children from a Veteran’s award in a separate course, later in training.

Topic 4: Development Actions

**Criteria for a Claim to be Substantially Complete**

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 contain the following (see *M21-1, Part I, 1.A.4.f*, for the full listing, though certain items may already be known or not applicable):

* The claimant’s name
* The claimant’s relationship to the Veteran, if applicable
* The benefit the claimant is seeking
* The claimant’s signature

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 (*M21-1, Part III, Subpart iii, 5.A.4.b*). Place a substantially complete claim under EP control, if it is not already.

As discussed in *Topic 1: Forms, Claims Establishment, & System Updates*, claims for additional compensation for dependents must be submitted on a prescribed form.

**Claim *Not* Submitted on a Prescribed Form**

If a request for additional compensation for dependents is not received on a prescribed form, first attempt to contact the Veteran via telephone to complete *VA Form 21-686c* and/or *VA Form 21-674*, on his or her behalf.

If contact is successful, complete and sign the form, upload it into the VBMS eFolder, and process the claim. If an EP 130 is already pending, the date of claim should be changed to the date the complete claim was received (date of telephone call).

If contact is *unsuccessful*:

* If EP 130 is pending, change to EP 400 – *Correspondence*; if no EP is pending, establish EP 400 – *Correspondence*
* Use the Letter Creator tool to generate the *Request for Application for Dependency* letter
* Upload a copy of the letter into the VBMS eFolder and send via Package Manager
* Clear EP 400 – Correspondence

*Note*: A claim not received on a prescribed form is considered a request for application (RFA); however, if the RFA claim label is used, the Service-Connected Compensation RFA letter will automatically be generated and uploaded into the eFolder. Additionally, the EP 400 – RFA is cleared automatically at establishment. Therefore, when addressing an RFA for additional compensation for dependents, you will need to use the *Correspondence* claim label and manually send the Dependency RFA letter to the Veteran.

**Incomplete Information – Claim *is* Substantially Complete**

*\*\*The information provided in this sub-topic applies to claims received on* VA Form 21-686c (**prior** to September 2018 version)*, or other prescribed forms. \*If the claim is received on* VA Form 21-686c (September 2018 or later)*, undertake development* **only if** *the form does not request necessary information to add dependents to the Veteran’s award.*

If the claim is substantially complete, but additional information or a *VA Form 21-686c* and/or *VA Form 21-674* is needed, attempt to contact the Veteran via telephone to obtain the information or complete the form on his or her behalf (VA Regional Office or Call Center employees only).

* If the contact is successful:
  + Obtain the missing information and document the call on *VA Form 27-0820, Report of General Information*; or
  + Complete and sign the *VA Form 21-686c* and/or *VA Form 21-674*, then upload into the VBMS eFolder (A separate *VA Form 27-0820*, is not needed if all information is documented on one of these forms.)
  + If the contact is unsuccessful, document the attempt in VBMS notes, and send a letter requesting the missing information or form, allowing the Veteran 30 days to respond

If additional documentary evidence is needed (e.g. decree of adoption), you may still attempt to contact the Veteran via telephone to inform him or her of the additional evidence requirement; however, you *must* send a development letter (even if the telephone contact was successful), if the Veteran does not provide the documentation within 24 hours of the telephone call. Allow 30 days for the Veteran to respond to the *written* request for evidence.

**Incomplete Information – Claim *is Not* Substantially Complete**

If the claim does not meet the requirements of a substantially complete claim as described at the beginning of this topic, attempt to contact the Veteran to complete the claim a *VA Form 21-686c* and/or *21-674* via telephone. If you cannot reach the Veteran, take the following actions:

* Print or make a copy of the form
* Highlight the blocks that require completion (may need to print to PDF and highlight missing information electronically)
* If an EP was established based on the incomplete form, change the pending EP to EP 400 – Correspondence; if an EP was not established, establish an EP 400 – Correspondence
* Attach the form to a letter that:
  + Instructs the claimant to complete the highlighted portions of the form, 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 of the date of the correspondence (*Note:* The *Incomplete Application* letter in the Letter Creator tool may be used to generate this letter.)
* Combine the PDF version of the letter with the electronically highlighted form using Adobe Pro, then upload into the eFolder and send via Package Manager
* Clear the EP 400 and take no further action until the claimant returns the form

**Conflicting Information**

There will be times when the information of record conflicts or contains questionable or discrepant information that cannot be resolved through review of other evidence of record. Development will be needed for evidence/proof of an event, date, etc.

Telephone development is the quickest way to resolve issues regarding conflicting information. If the conflicting information cannot be clarified via telephone, or if the Veteran cannot be reached, a development letter in VBMS should be generated with a 30-day suspense to obtain clarification.

Practical Exercise

1. True or False. A *VA Form 21-686c* or *VA Form 21-674* completed by a receptionist at the Denver VAMC on a Veteran’s behalf is a substantially complete claim.
2. What information is needed for a substantially complete claim?
3. To add an adopted child to a Veteran’s award as a dependent, which document(s) can be used as proof of adoption for VA purposes?
4. After reviewing a claim for additional compensation for dependents that was submitted on *VA Form 21-686c* (September 2018) and determining that there is missing information or evidence that was requested via the instructions or questions on the form, what should you do first?
5. A Veteran rated 70% disabled due to SC disabilities, submitted *VA Form 21-686c* (Jun 2017 version) via eBenefits, requesting to add to his award his child, Mary. All information is provided except for Mary’s date of birth. Upon review of the form, you notice that in the comments section, the Veteran states that Mary is his foster child. What action should you take?
6. In most cases, VA will accept the entries a Veteran makes on *VA Form 21-686c* as sufficient proof of:
7. A Veteran rated 40% disabled due to SC disabilities, submitted *VA Form 21-686c* (Jun 2017 version) via eBenefits, as a claim for additional compensation for his spouse, Jennifer, and his children, Molly and Jack. He provided all information except for the SSNs for each dependent. A review of the file shows the information is not already of record. Telephone contact was unsuccessful, so a development letter is required. What is the correct EP? What should the contention(s) be?