

**IS THIS CLAIM READY TO PROMULGATE?
TRAINEE HANDOUT**

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REFERENCES

- 38 CFR 3.1** Definitions
- 3.6 Duty periods
- 3.7 Eligibility for duty
- 3.150 Forms to be furnished
- 3.151 Claims for disability benefits
- 3.157 Report of examination or hospitalization as claim for increase or to reopen
- 3.158 Abandoned claims
- 3.159 Department of Veterans Affairs assistance in developing claim
- 3.160 Status of claims
- 3.2130 Will VA accept a signature by mark or thumbprint?
- M21-4, Appendix C End Product Classification Codes and Work Rate standards for Quantitative Measurement
- M21-1MR. I. 1.B.3 Handling Claims Not Previously Denied
- M21-1MR.III.ii.1.A Process Overview
- M21-1MR.III.ii. 2 Benefit Programs and Types of Claims
- M21-1MR.III.ii. 6 Determining Veteran Status and Eligibility for Benefits
- Fast Letter** 13-06 Section 5103 Notice
- VBA Letter 20-09-14 Digitally Signed Separation Documents and Other Evidence of Service

TOPIC 1: CONFIRM RECEIPT OF A SUBSTANTIAL CLAIM

Receiving a substantial claim can be the difference between a Formal and Informal claim. As a VSR your job is to review the evidence received and in C file or VBMS e File, and confirm and verify a substantial claim has been submitted. After this lesson you will know what makes-up a substantial claim and what evidence satisfies these requirements.

Hint: Knowing the different substantial requirements will help to prepare you for the next objective in this lesson; Section 5103 Notice procedures.

Refer to reference: M21-1MR, Part I.1.B to identify the requirements of a Substantial Claim.

Name, Disability, Benefit, Service data and Signature Note: Income when Pension is claimed.

NAME AND PERSONAL DATA

Review Pending Inquiry File (PIF) and C-file/e folder to verify all personal data is current.

Prior to working a claim we must make sure:

1. You have the correct C-file or VBMS e File with the claim.
2. Name and mailing address is current
3. If POA, is it correct and 21-22 (Service Organization) or 21-22a (Private Agent/Attorney) is of record.
4. If entitled to additional dependency benefits, are records current.
5. Update computer records by Pending issue Change (PCHG) command.

Disability/ies

Did the Veteran provide any evidence of a claimed disability or disabilities? If not, contact Vet or their Service Organization representative (if applicable), for claimed conditions.

Benefit

Identify Benefit type: Compensation, Pension or both.

SERVICE DATA:

- Personnel: Confirm Veteran status, based on service component.
 - Active Duty
 - Reserves (Active/Inactive)
 - National Guard (Title 10 or Title 32)
- Medical: Do we have all service medical records? i.e. Service Treatment Records (STRs) and/or Clinicals
- Finance: Is Veteran in receipt of retired pay, severance pay, separation pay, drill pay?

Signature

Signature: Original, Fax, Web

Job Aid for reviewing claims

While reviewing the VA Form 21-526, fill-in the blanks below where each substantial requirement is found.

1. Name and Personal data:

2. Disabilities:

3. Benefit:

4. Service data:

5. Signature:

Remember, Income information is also required for a claim to be substantial for Pension benefits.

VA Form 21-526EZ

Important: Fully Developed Claims expedite the claim development process which requires the Veteran to submit any medical evidence. It also removes the requirements to send Section 5103 Notice (formerly VCAA Letter). It's primary purpose is to fast-track the process.

TOPIC 2: CONFIRM AND VERIFY THE SECTION 5103 NOTICE

Important: The VSR is the “Last resort” to make sure we have provided proper Duty To Assist (DTA), IAW 38 CFR 3.159 and followed the directions found in the Manual Rewrite.

Be advised, notification errors are one of the major issues, found by the STAR staff.

During this section, we will discuss the different types of compensation claims and their corresponding EPs. Knowledge of the proper Duty To Assist for each claim is vital in reviewing a claim and determining if the claim is ready to promulgate.

Important: If any part of the development has been missed, neglected or forgotten, and the issue is denied, the claim is not ready and/or can not be promulgated. This regulation obligates the Secretary (VA employees) to assist the Veteran/claimant in support of their claim. This support consist of advising what is needed to support the claim and obtaining evidence (federal and non) for the veteran/claimant.

Proper Secion 5013 Notice Issued

All issues addressed

Obtain federal/non federal record

VA Exam completed or DBQ submitted by veteran

Specific development for “Special” issues i.e. Agent Orange, PTSD
Ensure all What the Evidence Must Show - “WTEMS”(New and Material –
reopen development.)

****Note - Remember WTEMS is included in the 526ez

TOPIC 3: CLAIM TYPES AND END PRODUCTS

To identify the type of claim, the VSR must have a thorough understanding of each claim type and its End Product (EP).

THERE ARE TWO SEPARATE TYPES OF CLAIMS: ORIGINAL AND NON ORIGINAL

***Hint:** Duty To Assist (DTA) is the same for both original and non original claims.

Original : First time a Veteran has submitted a claim for VBA benefits. This is identified by one of two different EPs. They are 110/010.

Below is a list of documents to research when reviewing the VBMS E file or C-file (new insert)

- VA Form 21-526 (all types)
- Veteran status (DD214 ,or PIES S01/050),
- Service Treatment Records (E-mail to RMC or PIES M01)
- Sep/Sev pay (DFAS or PIES O03) remind students the separate request for financial records means separate PIES sheet
- Private physician/facility treatment (VA Form 21-4142)
- Treatment from the VA Medical Center (CAPRI or 10-7101)
- VA examination, Disability Benefits Questionnaires (DBQ) or QTC/MES exams
- Section 5103 Notice (formerly VCAA Letter) addresses all issues claimed (to include all “Special” issues i.e Agent Orange and PTSD).

Non Original is broken into four separate sub claims: New, Increase, Reopen and Secondary. They can be represented by the following EPs: 020, 310, 320, 290, 130

For the purposes of this lesson, we will only address what is needed to review the claim.

The main difference with an Original and Non original claim is the original claim must be submitted on VA Form 21-526 or 21-526ez for live, Compensation and Pension, VA Form 21-534 for Death, Compensation and Pension. The EPs 110/010 = Live Compensation, 180 = Live Pension and 140 = Death Compensation(DIC) and 190 = Death Pension.

Remember: On all claims you must make sure all personal data is correct, as stated in the earlier part of the lesson.

Next, are some of the questions to ask yourself, if the action has been taken or is the evidence in the file.

1. What EP is pending? Since each EP identifies the claim type, knowing the EP will assist us to confirm and verify.
 - a. 110/010 or 020 = Compensation, Pension or Both
 - i. What are the claimed disability/ies?
 - ii. What records (federal/non) are needed and are they of record or did we request them?
 - iii. Was a VA examination required? Increase claim = Yes
 - iv. Was the claim or issue previously denied?
 1. Over 1 year = Reopen and New and Material evidence is required
 2. Less than a year = Reconsideration and New and Material is not required.
 - v. Reviewing Section 5103 Notice
 1. Were all issues (rating/non) identified and addressed in letter?
 2. Did we inform the Veteran/Claimant what evidence is needed to support their claim?
 3. If we requested records, did we also ask the Veteran/Claimant?
 4. Did we include the “What the evidence must show” attachments?
 - vi. If rating decision, did the rating address all claimed conditions?
 - b. 130 = Dependency issue (This will be addressed and applicable during the “Dependency” lesson.)
 - i. Is the veteran’s compensation 30% or greater. **VERY IMPORTANT!**

- ii. Are we adding a dependent or increasing due to school child eligibility?
 - iii. Was the required evidence/documentation received to establish dependency benefits?
- 2. Did the claimant submit a VA Form or memo identifying the claim? If a form, review to determine exactly what is being claimed. If memo, brief through the information to determine what is being claimed.
- 3. What are the claimed issues? If submitted on a specific form for that benefit, you have a good idea of the issues. If an original claim, you will need to check all parts of the form to make sure there are no “hidden” claims!
 - a. For instance, Veterans will use the “Remarks” boxes to include other issues or maybe some essential information to support their claim.

PRACTICAL EXERCISE

READY TO PROMULGATE REVIEW QUESTIONS

1. What are the requirements for a substantial claim? What is the regulation that governs these requirements?
2. What is active service? Give the regulation or directive that gives the definition.
3. What two Titles control active service with the National Guard? Support answer with M21-1MR reference.
4. What is the acronym used for the command when a record in Share needs to be updated?
5. A veteran submits a statement that their service connected ankle has become worse and painful. What type of claim is this considered to be?
6. Which type of claim needs New and Material evidence? Explain the difference in these two types of evidence:
New: _____
Material: _____
7. What EP controls an original claim with less than 7 issues?
8. List at least 5 documents to research when reviewing the VBMS e-file or C-file.
1. _____ 2. _____ 3. _____
4. _____ 5. _____