**Procedural Advisory: Kicker Development**

July 05, 2019

**Issue:** In December 2017, the Education Development Management System (EDMS) was launched as the standardized method for Education development to the Department of Defense (DoD) points of contact (POC). The goal of EDMS is to improve efficiency of the development process and improve response time. With a year of data and feedback from the POCs, it has been determined VA is unnecessarily developing on kickers.

**Purpose of Advisory: T**his advisory provides the Regional Processing Offices (RPOs) with updated procedures and guidance regarding kicker verification. These procedures are effective immediately, and rescind the procedures outlined in RPO Letter 22-07-11.

**Discussion:** In developing these procedures, a review was conducted on cases in which claimants indicated they qualified for a kicker, however, no supporting documentation was provided, and a kicker was not reported in any system. In most instances, upon developing to DoD, the service response was “not entitled to a kicker.”

While VA has a duty to assist, it has been determined documentation from the claimant or information in the system must be present to support the need to develop to DoD. Development for confirmation when there is no evidence to support entitlement to a kicker results in processing delays which adversely impact timeliness.

**RPO Impact: The new procedure, described below, will benefit RPOs as** development for kickers to service component POCs will occur only when necessary, improving overall claims processing efficiency timeliness.

**New RPO Procedure:** These instructions should be followed when a kicker has been claimed on an application, yet the kicker contract is not on file and there is no indication of a kicker on the 30D or DoD Screen, or in Veterans Information Solution (VIS), the current system of record for kickers. Effective immediately, Veterans Claims Examiners (VCE) will only use EDMS to verify kicker contracts which are discrepant with kicker codes or eligibility reported to VA by DoD and those codes identified by DoD as requiring verification prior to processing. (See Appendix A)

**Chapter 30 “BQ” kicker or 1606 kicker not reported to VA:** Obtain evidence when a kicker is claimed on an application and has not been reported to VA prior to submitting a DoD development in EDMS.

1. Develop through the Defense Personnel Records Information Retrieval System (DPRIS) for evidence of a kicker.
2. Save screen capture of DPRIS development in The Image Management System (TIMS).
3. After the DPRIS Inquiry has been completed or after 24 hours (whichever is sooner), do the following:
	1. If some evidence is discovered.
		* Process or verify as necessary.
		* Reserve kicker contracts or active duty contracts dated prior to the member’s actual entry on duty (EOD) date must be verified by the service component in addition to other verification guidance required for certain kickers.
	2. If no evidence is discovered.
		* Develop to the claimant only for evidence.
		* For 1606 Kickers, advise the claimant to contact their unit GI Bill Manager to update kicker eligibility.
		* Do not control the claim.
4. After development to the claimant, do the following if:
	1. The claimant responds to development within 30 days.
		* Verify as necessary and, if due payment, process correction in BDN or LTS under an EP 930 or 400 for non-chapter 33 or chapter 33 claims respectively.
		* When not entitled based upon DoD response documented in TIMS, notify the claimant per the Service Department, no kicker is due. PCLR EP 930 or 400 for non-chapter 33 or chapter 33 claims respectively for releasing a denial letter, include appellate rights.
	2. The claimant responds to development after 30 days from request.
		* Handle request as a new claim and establish a supplemental end product for the claim.
		* Verify as necessary and, if due payment, process correction in BDN or LTS under appropriate end product for credit.
		* When not entitled based upon DoD response documented in TIMS, notify the claimant per the Service Department, no kicker is due. PCLR station credit EP for releasing denial letter, include appellate rights.

**When Not to Develop.** Do not develop for a Kicker in the following instances:

1. Basic eligibility cannot be established.
2. Selective Reserve (SR) kicker when member has separated or retired from SR.
3. Claimant is applying for Chapter 33 and not relinquishing the benefit associated with the kicker.
4. Service information does not indicate the claimant ever “enlisted” or is a member of the Air Force. (Active duty kicker - Only).  As noted in the Chapter 30 Kicker Verification Chart (Appendix A)

**Kicker Rate Tables.** RPO employees must continue to reference M22-4, Part 5, Chapter 1, Appendix E, Kicker Tables and [RPO Letter 22-08-12, enclosures 2, 3, and 4](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001048/content/554400000062125/RPO-Letter-22-08-12) for authorized kicker rates.

**Analyzing Kicker Contracts**. A VCE must manually calculate the monthly kicker amount when a kicker contract shows a total amount as a “college fund.” A college fund total includes the Montgomery GI Bill (MGIB) basic rate for 36 months plus the total kicker. A VCE must do the following:

* Determine the basic MGIB full-time rate per month in effect when the claimant first entered active duty.
* Multiply the “full-time rate per month” by 36 months,
* Subtract this amount from the total “college fund”, and
* Divide the remainder by 36 to get the full-time kicker amount due each month.

NOTE 1: Never include any buy-up in the calculation of the basic MGIB full-time rate.

NOTE 2: The contract may state “up to” a certain amount. This caveat is there in case the person does not complete his or her enlistment. Accept the “up to” amount as the total amount contracted.

**Example:** If the service contract says the person received a $35,000 college fund on January 1, 2003, it actually means the person received a total kicker of $2,600. This is calculated first by determining the MGIB rate in effect when the claimant entered active duty (MGIB 3-year rate on January 1, 2003, was $900 a month), multiplying the MGIB monthly rate by 36 months to get $32,400, and subtracting the result from the amount of the “College Fund” ($35,000 - $32,400) to get the actual kicker of $2,600. Divide this amount by 36 months to determine the amount payable each month. $2,600 divided by 36 = $72.22 per month (kicker code B2 on the table for fiscal year 2002).

**Kicker Formula for Veterans Who Did Not Complete Their Full Enlistment.** The formula below ensures that a Veteran will receive total kicker payments in proportion to the service actually completed.  Reference: [M22-4, Part 5, Chapter 3.08](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001048/content/554400000077000/Part%205%3A%20Chapter%203%20-%20Eligibility%20Issues%20-%20308).



An example is a veteran with a 24-month term of service, with an $8,000 kicker.  Using this formula, a discharge for hardship after 11 1/2 months of service, would produce a monthly kicker amount of $363.63.  This rate when multiplied by 11 months of entitlement produces a total kicker payout of approximately $4,000.  Since the veteran completed 1/2 of the service requirement, (DoD rounds up to the next higher month in this calculation), he or she is entitled to 1/2 ($4,000) of the $8,000 total kicker.

**Paying a Kicker in BDN.** If the code displayed on the 30D screen is proven to be correct, BDN will pay correctly without having to use an override code. If the code is incorrect, the VCE must manually enter the claimant’s total monthly rate due, including the kicker, using the “M” override. Add a Stop message to the claimant’s BDN 312 screen and include the correct full-time rate of the kicker due the claimant.

**Paying a Kicker in the Long Term Solution.** If a MGIB eligible recipient elects Chapter 33 and relinquished Chapter 30, the MGIB kicker may be paid under Chapter 33. Enter the monthly rate or if the Veteran served less than their full enlistment, the monthly prorated rate using the formula above, payable for the number of months and days entitled or remaining under MGIB. The start date should be the same as the date Chapter 30 was relinquished.

**Questions.** If there are any questions about these instructions, please contact the National Training Team - Processing.

V/R

National Training Team - Processing

Education Service