38 C.F.R. § 3.103(f) states that a summary of the laws and regulations applicable to the claim must be included in the notification of decisions. Laws and regulations inform the claimant of the legal basis for a decision. When determining what laws and regulations should be summarized in the decision notice, review the issue and decision made on the claim. Only include the relevant references within the [Code of Federal Regulations (C.F.R.)](https://www.ecfr.gov/current/title-38/chapter-I/part-3?toc=1) or [United States Code (U.S.C.)](https://www.law.cornell.edu/uscode/text/38) that apply to the specific issue(s) decided.

The following list is provided to assist claims processors with selecting the most relevant references for non-rating issues. The list is not all-inclusive. Claims processors must thoroughly review the decision(s) made to ensure all applicable laws and regulations have been included within the notice. Duplicate laws and regulations should not be listed for the same issue.

**Accrued (Relationship/Reimbursement)**

|  |  |
| --- | --- |
| Grant/Deny  | * 38 C.F.R. § 3.159 Department of Veterans Affairs assistance in developing claims
* 38 C.F.R. § 3.160 Status of claims
* 38 C.F.R. § 3.211 Death
* 38 C.F.R. § 3.1000 Entitlement under 38 U.S.C. § 5121 to benefits due and unpaid upon death of a beneficiary
* 38 C.F.R. § 3.1010 Substitution under 38 U.S.C. § 5121A following death of a claimant

If granting/denying benefits to person(s) having lower preference based on death or forfeiture from person with preferred entitlement, also include:* 38 C.F.R. § 3.669 Forfeiture
* 38 C.F.R. § 3.904 Effect of forfeiture after Veteran’s death

[VA Form 21P-10195, *Legal Summary Accrued Benefits*](https://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21P-10195-ARE.pdf), may be used in lieu of listing the laws and regulations for most accrued claims. |

**Accrued (Returned and Canceled Checks)**

|  |  |
| --- | --- |
| Grant/Deny  | * 38 C.F.R. § 3.1003 Returned and canceled checks
* 38 U.S.C. § 5122 Cancellation of checks mailed to deceased payees
 |

**Active Duty**

|  |  |
| --- | --- |
| Return to active duty  | * 38 C.F.R. § 3.6 Duty periods
* 38 C.F.R. § 3.501 Veterans (Reductions and discontinuances)
* 38 C.F.R. § 3.654 Active service pay
* 38 C.F.R. § 3.700 General (Concurrent benefits and elections)
* 38 U.S.C. § 5304 Prohibition against duplication of benefits
 |
| Release from active duty  | * 38 C.F.R. § 3.6 Duty periods
* 38 C.F.R. § 3.12 Character of discharge
* 38 C.F.R. § 3.203 Service records as evidence of service and character of discharge
* 38 C.F.R. § 3.654 Active service pay
 |

**Administrative Error**

|  |  |
| --- | --- |
| Award adjustment due to admin error | * 38 C.F.R. § 3.105 Revisions of decisions
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
* 38 U.S.C. § 5112 Effective dates of reductions and discontinuances
 |

**Apportionment**

|  |  |
| --- | --- |
| Grant  | * 38 C.F.R. § 3.31 Commencement of the period of payment
* 38 C.F.R. § 3.400 General (Effective dates)
* 38 C.F.R. § 3.450 General (Apportionment)
* 38 C.F.R. § 3.451 Special apportionment
* 38 C.F.R. § 3.452 Situations when benefits may be apportioned
* 38 C.F.R. § 3.453 Veterans compensation or service pension or retirement pay
* 38 U.S.C. § 5307 Apportionment of benefits
 |
| Deny  | * 38 C.F.R. § 3.450 General (Apportionment)
* 38 C.F.R. § 3.451 Special apportionment
* 38 C.F.R. § 3.452 Situations when benefits may be apportioned
* 38 C.F.R. § 3.458 Veteran’s benefits not apportionable

*Review denial basis to determine if additional laws and regulations may be needed. Example: a denial based on evidence of record failing to show the child meets the definition of a child would require additional laws such as 38 C.F.R. § 3.57* |
| Child-apportionee stopped attending school | * 38 C.F.R. § 3.667 School attendance
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
 |
| Child-apportionee entered active service | * 38 C.F.R. § 3.458 Veteran’s benefits not apportionable
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
* 38 C.F.R. § 3.503 Children (Reductions and discontinuances)
 |
| Divorce from spouse-apportionee | * 38 C.F.R. § 3.204 Evidence of dependents and age
* 38 C.F.R. § 3.206 Divorce
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
* 38 C.F.R. § 3.501 Veterans (Reductions and discontinuances)
 |
| Death of apportionee | * 38 C.F.R. § 3.211 Death
* 38 C.F.R. § 3.1000 Entitlement under 38 U.S.C. § 5121 to benefits due and unpaid upon death of a beneficiary
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
 |
| Marriage of child-apportionee | * 38 C.F.R. § 3.57 Child
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
 |
| Grant/deny/stop apportionment based on Incarceration of Veteran | * 38 C.F.R. § 3.665 Incarcerated beneficiaries and fugitive felons – compensation
* 38 U.S.C. § 5313 Limitation on payment of compensation and dependency and indemnity compensation to persons incarcerated for conviction of a felony
 |

**Audit Error Worksheet (AEW)**

|  |  |
| --- | --- |
| AEW Processing | * 38 C.F.R. § 3.750 Entitlement to concurrent receipt of military retired pay and disability compensation
* 38 U.S.C. § 5304 Prohibition against duplication of benefits
* 10 U.S.C. § 1413a Combat-related special compensation
* 10 U.S.C. § 1414 Concurrent payment of retired pay and Veterans’ disability compensation
 |

**Automobile Allowance**

|  |  |
| --- | --- |
| Denial for second or additional auto allowance | * 38 C.F.R. § 3.808 Automobiles or other conveyances and adaptive equipment; certification
* 38 U.S.C. § 3903 Limitations on assistance; special training courses
 |

**Character of Discharge (COD)**

|  |  |
| --- | --- |
| COD Decision | * 38 C.F.R. § 3.12 Character of discharge
* 38 C.F.R. § 3.13 Discharge to change status
* 38 C.F.R. § 3.14 Validity of enlistments
* 38 C.F.R. § 3.203 Service records as evidence of service and character of discharge
* 38 C.F.R. § 3.354 Determination of insanity
* 38 C.F.R. § 3.360 Service-connected health-care eligibility of certain persons administratively discharged under other than honorable conditions
* 38 U.S.C. § 5303B Character of service determinations
* 38 C.F.R. § 3.105(c) Revision of decisions *(use if the COD is changed to terminate benefits)*
 |

**Dependent Minor Child (Biological, Stepchild, or Adopted)**

|  |  |
| --- | --- |
| Grant/Deny | If decision establishes and/or denies the relationship, include:* 38 C.F.R. § 3.4 Compensation
* 38 C.F.R. § 3.57 Child
* 38 C.F.R. § 3.58 Child adopted out of family *(when applicable)*
* 38 C.F.R. § 3.204 Evidence of dependents and age
* 38 C.F.R. § 3.209 Birth
* 38 C.F.R. § 3.210 Child’s relationship
* 38 C.F.R. § 3.216 Mandatory disclosure of social security numbers

If the decision adds the minor child to the Veteran’s award, also include:* 38 C.F.R. § 3.31 Commencement of the period of payment
* 38 C.F.R. § 3.401 Veterans (Effective dates)
* 38 C.F.R. § 3.403 Children (Effective dates)
* 38 C.F.R. § 3.503 Children (Reductions and discontinuances)
* 38 C.F.R. § 3.2500 Revision of decisions *(use only when the effective date is based on a continuously pursued qualifying review request)*
 |
| Death of child | * 38 C.F.R. § 3.211 Death
* 38 C.F.R. § 3.213 Change of status affecting entitlement
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
* 38 U.S.C. § 5112 Effective dates of reductions and discontinuances
 |
| Marriage of child | * 38 C.F.R. § 3.55 Reinstatement of benefits eligibility based upon terminated marital relationships
* 38 C.F.R. § 3.57 Child
* 38 C.F.R. § 3.204 Evidence of dependents and age
* 38 C.F.R. § 3.213 Change of status affecting entitlement
* 38 C.F.R. § 3.400 General (Effective dates)
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
* 38 U.S.C. § 5112 Effective dates of reductions and discontinuances
 |
| Stepchild no longer in household/no support | * 38 C.F.R. § 3.57 Child
* 38 C.F.R. § 3.503 Children (Reductions and discontinuances)
 |

**Dependent School Child**

|  |  |
| --- | --- |
| Grant/Deny  | If decision establishes and/or denies eligibility of the school child, include:* 38 C.F.R. § 3.4 Compensation
* 38 C.F.R. § 3.57 Child
* 38 C.F.R. § 3.204 Evidence of dependents and age
* 38 C.F.R. § 3.209 Birth
* 38 C.F.R. § 3.210 Child’s relationship
* 38 C.F.R. § 3.216 Mandatory disclosure of social security numbers
* 38 C.F.R. § 3.667 School attendance
* 38 C.F.R. § 3.707 Dependents’ educational assistance
* 38 C.F.R. § 21.4200 Definitions - Schools

If the decision adds the school child to the award, also include:* 38 C.F.R. § 3.503 Children (Reductions and discontinuances)
* 38 C.F.R. § 3.31 Commencement of the period of payment
 |
| Attendance terminated early | * 38 C.F.R. § 3.667 School attendance
* 38 C.F.R. § 3.213 Change of status affecting entitlement
 |
| Child in receipt of educational assistance | * 38 C.F.R. § 3.503 Children (Reductions and discontinuances)
* 38 C.F.R. § 3.667 School attendance
* 38 C.F.R. § 3.707 Dependents’ educational assistance
* 38 C.F.R. § 3.807 Dependents’ educational assistance; certification
* 38 C.F.R. § 21.3023 Nonduplication; pension, compensation, and dependency and indemnity compensation
* 38 U.S.C. § 3322 Bar to duplication of educational assistance benefits
 |
| Adjust removal date based on extension of school period | * 38 C.F.R. § 3.667 School Attendance
* 38 U.S.C. § 5112 Effective dates of reductions and discontinuances
 |
| Death of child | * 38 C.F.R. § 3.211 Death
* 38 C.F.R. § 3.213 Change of status affecting entitlement
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
* 38 U.S.C. § 5112 Effective dates of reductions and discontinuances
 |
| Marriage of child | * 38 C.F.R. § 3.55 Reinstatement of benefits eligibility based upon terminated marital relationships
* 38 C.F.R. § 3.57 Child
* 38 C.F.R. § 3.204 Evidence of dependents and age
* 38 C.F.R. § 3.213 Change of status affecting entitlement
* 38 C.F.R. § 3.400 General (Effective dates)
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
* 38 U.S.C. § 5112 Effective dates of reductions and discontinuances
 |

**Dependent Spouse**

|  |  |
| --- | --- |
| Grant/Deny | * 38 C.F.R. § 3.1 Definitions
* 38 C.F.R. § 3.4 Compensation
* 38 C.F.R. § 3.50 Spouse and surviving spouse
* 38 C.F.R. § 3.204 Evidence of dependents and age
* 38 C.F.R. § 3.205 Marriage
* 38 C.F.R. § 3.216 Mandatory disclosure of social security numbers

When adding spouse to award, also include:* 38 C.F.R. § 3.31 Commencement of the period of payment
* 38 C.F.R. § 3.401 Veterans (Effective dates)
 |
| Remove spouse based on divorce | * 38 C.F.R. § 3.50 Spouse and surviving spouse
* 38 C.F.R. § 3.206 Divorce
* 38 C.F.R. § 3.213 Change of status affecting entitlement
* 38 C.F.R. § 3.501 Veterans (Reductions and discontinuances)
 |
| Remove spouse based on death of spouse | * 38 C.F.R. § 3.211 Death
* 38 C.F.R. § 3.213 Change of status affecting entitlement
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
 |
| Grant spousal A&A based on spouse’s nursing home status | * 38 C.F.R. § 3.1 Definitions
* 38 C.F.R. § 3.351 Special monthly dependency and indemnity compensation, death compensation, pension and spouse’s compensation ratings
* 38 C.F.R. § 3.401 Veterans (Effective dates)
 |
| Discontinue spousal A&A – discharge from nursing home | * 38 C.F.R. § 3.351 Special monthly dependency and indemnity compensation, death compensation, pension and spouse’s compensation ratings
* 38 C.F.R. § 3.501 Veterans (Reductions and discontinuances)
 |

**Dependent Parent (Biological and Adoptive)**

|  |  |
| --- | --- |
| Grant/Deny | * 38 C.F.R. § 3.4 Compensation
* 38 C.F.R. § 3.59 Parent (Relationship)
* 38 C.F.R. § 3.209 Birth
* 38 C.F.R. § 3.210 Child’s relationship
* 38 C.F.R. § 3.216 Mandatory disclosure of social security numbers
* 38 C.F.R. § 3.250 Dependency of parents; compensation
* 38 C.F.R. § 3.263 Corpus of estate; net worth

When adding parent(s) to the award, also include:* 38 C.F.R. § 3.31 Commencement of the period of payment
* 38 C.F.R. § 3.401 Veterans (Effective dates)
 |
| Remove parent(s) | * 38 C.F.R. § 3.500 General (Reductions and discontinuances)
 |

**Dependent Parent (Foster Parent)**

|  |  |
| --- | --- |
| Grant/Deny | * 38 C.F.R. § 3.4 Compensation
* 38 C.F.R. § 3.59 Parent (Relationship)
* 38 C.F.R. § 3.216 Mandatory disclosure of social security numbers
* 38 C.F.R. § 3.250 Dependency of parents; compensation
* 38 C.F.R. § 3.263 Corpus of estate; net worth

When adding parent(s) to the award, also include:* 38 C.F.R. § 3.31 Commencement of the period of payment
* 38 C.F.R. § 3.401 Veterans (Effective dates)
 |
| Remove parent(s) | * 38 C.F.R. § 3.500 General (Reductions and discontinuances)
 |

**Dependency Verification**

|  |  |
| --- | --- |
| Return of VA Form 21-0538 with no changes | * 38 C.F.R. § 3.652 Periodic certification of continued eligibility
 |
| Remove dependent(s) based on failure to return questionnaire | * 38 C.F.R. § 3.652 Periodic certification of continued eligibility
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
 |
| No change based on school attendance verification | * 38 C.F.R. § 3.652 Periodic certification of continued eligibility
* 38 C.F.R. § 3.667 School attendance
 |
| Remove school child based on change in school attendance | * 38 C.F.R. § 3.652 Periodic certification of continued eligibility
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
* 38 C.F.R. § 3.503 Children (Reductions and discontinuances)
* 38 C.F.R. § 3.667 School attendance
 |

**Disappearance of Veteran/Whereabouts Unknown**

|  |  |
| --- | --- |
| Terminate benefits | * 38 C.F.R. § 3.158 Abandoned claims
* 38 C.F.R. § 3.500 General (Reductions and Discontinuances)
* 38 C.F.R. § 3.656 Disappearance of Veteran
 |

**Drill Pay**

|  |  |
| --- | --- |
| Drill Pay Adjustment | * 38 C.F.R. § 3.6 Duty periods
* 38 C.F.R. § 3.654 Active service pay
* 38 C.F.R. § 3.700 General (Concurrent benefits and elections)
* 38 U.S.C. § 5304 Prohibition against duplication of benefits
 |

**Dual Entitlement to Compensation and Pension**

|  |  |
| --- | --- |
| Award of greater benefit when entitled to both | * 38 C.F.R. § 3.31 Commencement of the period of payment
* 38 C.F.R. § 3.400 General (Effective dates)
* 38 C.F.R. § 3.701 Election of pension or compensation
* 38 C.F.R. § 3.551 Reduction because of hospitalization *(use when pension was elected for the $90 Medicaid nursing home rate)*
 |

**Federal Employees’ Compensation (FEC)**

|  |  |
| --- | --- |
| Award adjustment due to FEC | * 38 C.F.R. § 3.400 General (Effective dates)
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
* 38 C.F.R. § 3.708 Federal Employees’ Compensation
 |

**Fugitive Felon**

|  |  |
| --- | --- |
| Terminate / Reinstate based on fugitive felon status | * 38 C.F.R. § 3.31 Commencement of the period of payment
* 38 C.F.R. § 3.665 Incarcerated beneficiaries and fugitive felons – compensation
* 38 U.S.C. § 5313B Prohibition on providing certain benefits with respect to persons who are fugitive felons
 |

**Hospitalization**

|  |  |
| --- | --- |
| Reduction of A&A to the HB rate based on hospitalization | * 38 C.F.R. § 3.552 Adjustment of allowance for aid and attendance
* 38 C.F.R. § 3.501 Veterans (Reductions and discontinuances)
 |
| Reinstatement of A&A following discharge from hospitalization | * 38 C.F.R. § 3.556 Adjustment on discharge or release
* 38 C.F.R. § 3.401 Veterans (Effective dates)
 |

**Incarceration**

|  |  |
| --- | --- |
| Reduce / Reinstate based on incarceration period | * 38 C.F.R. § 3.31 Commencement of the period of payment
* 38 C.F.R. § 3.665 Incarcerated beneficiaries and fugitive felons – compensation
* 38 U.S.C. § 5313 Limitation on payment of compensation and dependency and indemnity compensation to persons incarcerated for conviction of a felony
 |

**Incompetency**

|  |  |
| --- | --- |
| Withhold pending competency decision / appointment of fiduciary | * 38 C.F.R. § 13.100 Fiduciary appointments
* 38 C.F.R. § 3.353 Determinations of incompetency and competency
* 38 U.S.C. § 5502 Payments to and supervision of fiduciaries
 |

**Military Retired Pay (MRP)**

|  |  |
| --- | --- |
| Withhold for MRP adjustment / Receipt of waiver | * 38 C.F.R. § 3.31 Commencement of the period of payment
* 38 C.F.R. § 3.401 Veterans (Effective dates)
* 38 C.F.R. § 3.700 General (Concurrent benefits and elections)
* 38 C.F.R. § 3.750 Entitlement to concurrent receipt of military retired pay and disability compensation
* 38 U.S.C. § 5304 Prohibition against duplication of benefits
* 38 U.S.C. § 5305 Waiver of retired pay
 |
| Elects MRP instead of disability compensation | * 38 C.F.R. § 3.750 Entitlement to concurrent receipt of military retired pay and disability compensation
* 38 C.F.R. § 3.700 General (Concurrent benefits and elections)
* 38 U.S.C. § 5304 Prohibition against duplication of benefits
* 38 U.S.C. § 5305 Waiver of retired pay
 |

**Month of Death (MOD) Payment**

|  |  |
| --- | --- |
| Initial / increased MOD payment | * 38 C.F.R. § 3.20 Surviving spouse’s benefit for month of Veteran’s death
 |

**Radiation Exposure Compensation Act (RECA)**

|  |  |
| --- | --- |
| RECA Election | * 38 C.F.R. § 3.715 Radiation Exposure Compensation Act of 1990, as amended
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
 |

**Renouncement**

|  |  |
| --- | --- |
| Terminate benefits due to renouncement | * 38 C.F.R. § 3.106 Renouncement
* 38 C.F.R. § 3.500 General (Reductions and discontinuances)
* 38 U.S.C. § 5306 Renouncement of right to benefits
 |

**Resumption**

|  |  |
| --- | --- |
| Resume award | * 38 C.F.R. § 3.158 Abandoned claim
* 38 C.F.R. § 3.400 General (Effective dates)
 |

**Separation Benefits**

|  |  |
| --- | --- |
| Withhold separation / severance pay | * 38 C.F.R. § 3.700 General (Concurrent benefits and elections)
 |

**Substitution**

|  |  |
| --- | --- |
| Grant/Deny | * 38 C.F.R. § 3.1010 Substitution under 38 U.S.C. § 5121A following death of a claimant
* 38 U.S.C. § 5121A Substitution in case of death of claimant
 |

**TORT**

|  |  |
| --- | --- |
| Offset based on TORT Award | * 38 C.F.R. § 3.362 Offsets under 38 U.S.C. § 1151(b) of benefits awarded under 38 U.S.C. § 1151(a)
* 38 C.F.R. § 3.363 Bar to benefits under 38 U.S.C. § 1151
* 38 U.S.C. § 1151 Benefits for person disabled by treatment or vocational rehabilitation
 |