

Office of Administrative Review

Non-Rating Common Laws and Regulations

Information

This reference is meant to be a general guide to assist with the addition of relevant laws and regulations to non-rating decision notices. This list is NOT all inclusive and care should be taken to ensure that relevant laws and regulations to your specific case are added to your notification letters as necessary. All regulations are 38 CFR except fugitive felon, which is 38 USC. Applicable regulations should be inserted under each decision in the format identified under each column. (May 23, 2019)

Drill Pay/Active Duty	
38 C.F.R. §3.4	Compensation
38 C.F.R. §3.31	Commencement of the period of payment (Omnibus)
38 C.F.R. §3.700	General- concurrent benefits and elections
38 C.F.R. §3.654	Active service pay

Reductions (for final actions)	
38 C.F.R. §3.4	Compensation
38 C.F.R. §3.500	General reduction/discontinuances
38 C.F.R. §3.501	Veterans
38 C.F.R. §3.503	Children

Audit Error Worksheet (AEW)	
38 C.F.R. §3.4	Compensation
38 C.F.R. §3.31	Commencement of the period of payment (Omnibus)
38 C.F.R. §3.750	Entitlement to concurrent receipt-VA and MRP

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Military Retired Pay (MRP)	
38 C.F.R. §3.4	Compensation
38 C.F.R. §3.31	Commencement of the period of payment (Omnibus)
38 C.F.R. §3.700	General- concurrent benefits and elections
38 C.F.R. §3.750	Entitlement to concurrent receipt-VA and MRP

Incarceration	
38 C.F.R. §3.4	Compensation
38 C.F.R. §3.31	Commencement of the period of payment (Omnibus)
38 C.F.R. §3.665	Incarcerated beneficiaries/fugitive felons-compensation
38 U.S.C. 5313	Fugitive felon

Apportionment	
38 C.F.R. §3.4	Compensation
38 C.F.R. §3.31	Commencement of the period of payment (Omnibus)
38 C.F.R. §3.450	General-apportionments
38 C.F.R. §3.451	Special apportionments
38 C.F.R. §3.452	Situations when benefits are apportioned
38 C.F.R. §3.453	Compensation or service pension or retired pay
38 C.F.R. §3.458	Benefits not apportionable

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Dependent Parents (biological and adoptive)	
38 C.F.R. §3.4	Compensation
38 C.F.R. §3.31	Commencement of the period of payment (Omnibus)
38 C.F.R. §3.59	Relationship-parent
38 C.F.R. §3.204	Evidence requirements-dependents/age
38 C.F.R. §3.209	Evidence requirements-birth
38 C.F.R. §3.210	Evidence requirements-child's relationship
38 C.F.R. §3.216	Mandatory disclosure of SSN
38 C.F.R. §3.250	Dependency of parents-compensation
38 C.F.R. §3.263	Corpus of Estate-net worth
38 C.F.R. §3.404	Effective dates-Parents

Dependent Parents (foster)	
38 C.F.R. §3.4	Compensation
38 C.F.R. §3.31	Commencement of the period of payment (Omnibus)
38 C.F.R. §3.59	Relationship-parent
38 C.F.R. §3.204	Evidence requirements-dependents/age
38 C.F.R. §3.216	Mandatory disclosure of SSN
38 C.F.R. §3.250	Dependency of parents--compensation
38 C.F.R. §3.263	Corpus of Estate-net worth

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Spouse	
38 C.F.R. §3.4	Compensation
38 C.F.R. §3.31	Commencement of the period of payment (Omnibus)
38 C.F.R. §3.50	Relationship-spouse/surviving spouse
38 C.F.R. §3.54	Marriage dates
38 C.F.R. §3.57	Relationship-child
38 C.F.R. §3.204	Evidence requirements-dependents/age
38 C.F.R. §3.205	Evidence requirements-marriage
38 C.F.R. §3.206	Evidence requirements-divorce
38 C.F.R. §3.216	Mandatory disclosure of SSN

Schoolchildren	
38 C.F.R. §3.4	Compensation
38 C.F.R. §3.31	Commencement of the period of payment (Omnibus)
38 C.F.R. §3.57	Relationship-child
38 C.F.R. §3.204	Evidence requirements-dependents and age
38 C.F.R. §3.209	Evidence requirements-birth
38 C.F.R. §3.210	Evidence requirements-child's relationship
38 C.F.R. §3.216	Mandatory disclosure of SSN
38 C.F.R. §3.667	School attendance
38 C.F.R. §3.707	DEA
38 C.F.R. §21.4200	Definitions-school

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Children (biological, step, adopted)	
38 C.F.R. §3.4	Compensation
38 C.F.R. §3.31	Commencement of the period of payment (Omnibus)
38 C.F.R. §3.57	Relationship-child
38 C.F.R. §3.58	Relationship-child adopted out of family
38 C.F.R. §3.204	Evidence requirements-dependents and age
38 C.F.R. §3.209	Evidence requirements-birth
38 C.F.R. §3.210	Evidence requirements-child relationship
38 C.F.R. §3.216	Mandatory disclosure of SSN

Dependency (final action)	
38 C.F.R. §3.4	Compensation
38 C.F.R. §3.500	General-reductions/discontinuances
38 C.F.R. §3.650	Rate for additional dependent
38 C.F.R. §3.651	Change in status of dependents
38 C.F.R. §3.652	Periodic certification of continued eligibility

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Character of Discharge	
38 C.F.R. §3.12	Character of discharge
38 C.F.R. §3.13	Discharge to change status (conditional discharges)
38 C.F.R. §3.14	Validity of enlistments
38 C.F.R. §3.105(c)	Revision of decisions (if COD changed to terminate benefits)
38 C.F.R. §3.354	Determinations of insanity
38 C.F.R. §3.360	Service-connected health-care eligibility

FTP—

(Applicable Laws and Regulations: [38 C.F.R. §3.4](#), [38 C.F.R. §3.109](#))

Resume benefits---

(Applicable Laws and Regulations: [38 C.F.R. §3.4](#), [38 C.F.R. §3.158](#))

COLA adjustment----

(Applicable Laws and Regulations: [38 C.F.R. §3.4](#), [38 C.F.R. §3.21](#))