PENSION AND FIDUCIARY Service

PMC VSR Core Course

Phase 6: Processing Claims Process Original Veterans Pension Claims

Job Aid

June 2024

Process Original Veterans Pension Claims References

| Learning Objectives | Lessons, Job Aids, and References |
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| Recognize indicators of Veterans Pension claim | * **Phase 4, Lesson 2: *PMC VSR Overview Types of Pension Claims and Claims Recognition***
* **Claim Types** job aid
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| Determine whether the application for benefits is complete or incomplete  | * Phase 5, Part 1a: *Complete and Incomplete Applications for Benefits*
* M21-1 I.i.A. (Description and General Information on Duty to Notify and Duty to Assist)
* M21-1 II.iii.1.A (Applications for Benefits)
* M21-1 II.iii.1.A.1.a. (Requirements for a Complete Claim Received on or After March 24, 2015)
 |
| Determine if a claim can be processed as a fully developed claim (FDC)  | * Phase 5, Part 1a: *Fully Developed Claims (FDCs)*
* M21-1 X.i.2.A (General Information About the Fully Developed Claims [FDC] Program)
* M21-1 X.i.2.B.2.a. (Excluding Claims From the FDC Program at claims establishment)
* M21-1 X.i.2.B.3.a. (Limitations on the Development of FDCs)
 |
| Confirm special claim types | * Phase 5, Part 1a: Types of Claims and Priority Processing
* **Pension Systems and Applications** job aid
* M21-1 X.i.1 (Priority Processing Programs)
* M21-1 III.i.2.F.1.a (**Routine Review of eFolder Documents)**; Appendix E (Index of Corporate Flashes and Special Issues)
* M21-1, X.ii.2.A.2.c. (Definition: New and Relevant)
* M21-5, Chapter 7, Section A (General Information on Legacy Appeals)
 |
| Check whether an original claim was previously established  | * Phase 5, Part 1a: Types of Claims and Priority Processing
* See Phase 5, Part 1a, Lesson 3 above for references and job aids
 |
| Confirm the Date of Claim (DOC) is correct | * Phase 5, Part 1a: *Date of Claim*
* Appendix B (End Product (EP) Codes)
* M21-1 II.i.2.C (Mail Management)
* M21-1 II.i.2.A (Process Overview for Screening Mail)
* M21-1 II.iii.1.A.4.c. (Determining the Proper DOC for Claims Establishment Purposes)
 |
| Validate Power of Attorney (POA) | * Phase 5, Part 1a: *Validate Power of Attorney (POA)*
* 38 CFR 3.103(a) (Procedural Due Process and Appellate Rights)
* 38 CFR 14.630 (Authorization for a Particular Claim)
* M21-1 I.i.2.A.1.a. (A Claimant’s Right to Representation)
* M21-1 I.i.2.E.2.b. (Updating the POA and POA Permissions in VBMS)
 |
| Confirm the End Product (EP) code is correct  | * Phase 5, Part 1a: *End Product (EP) Codes*
* M21-4 Appendix B (End Product (EP) Codes)
 |
| Establish Veteran status  | * Phase 5, Part 1b: *Establish Veteran Status*
* 38 CFR 3.2 (Periods of War)
* 38 CFR 3.12 (Character of Discharge)
* 38 CFR 3.12a (Minimum Active-Duty Service Requirement)
* M21-1 III.i.1.A (Establishing Veteran Status)
* M21-1 III.i.1.A.1.b. (Definition: Active Service)
* M21-1 III.i.1.A.1.c. (Definition: Qualifying Service)
* M21-1 III.i.1.A.1.d. (Primary Eligibility Criteria for Benefits)
* M21-1 III.i.1.A.1.e. (Secondary Eligibility Criteria for Benefits)
* M21-1 III.i.1.A.1.f. f (Deciding Claims Based on Qualifying Service)
* M21-1 III.i.1.A.1.h. (Characterizing the Service of Academy Attendees)
* M21-1 III.i.1.A.2.b. (ADT or IADT Service in the Reserves or National Guard)
* M21-1 III.i.1.A.3. (Duty Status and Eligibility of Reservists)
* M21-1 III.i.1.B (Service Requirements and Verification of Eligibility)
* M21-1 III.i.1.B.1.a. (Requirement for Minimum Period of Active Duty)
* M21-1 III.i.1.B.1.b. (Entitlement to VA Benefits When the Minimum Active Duty Requirements Are Not Met)
* M21-1 III.i.1.B.1.c. (Exceptions to Minimum Active Duty Requirement)
* M21-1 III.i.1.B.2.a. (Verifying Service and Character of Discharge)
* M21-1 III.i.1.B.3.a. (Acceptable Forms of Evidence of Qualifying Service)
* M21-1 III.i.1.B.3.b. (Verification of Service Using the VID Tab in Share)
* M21-1 III.i.1.B.1.4.a. (Acceptable Alternative Evidence of Verification of Service)
* M21-1 II.iii.1.B.1.d. (Eligibility Determinations for Pension)
* M21-1 X.v.1.C (Administrative Decisions)
* M21-1 X.v.1.C.3.a. (General Guidelines for Documenting Administrative Decisions)
* M21-1 X.v.1.C.3.e. (Process for Electronically Signing an Administrative Decision in VBMS)
* M21-1 X.v.1.C.3.g. (Sample Format for Documenting an Administrative Decision)
* M21-1 X.iv.1.B (Special Topics Involving Character of Discharge)
* M21-1 X.iv.1.A.1a. (Thresholds for Benefit Eligibility)
* M21-1 X.iv.1.A.1.b. (When DoD’s Characterization of Service is Binding on VA)
* M21-1 X.iv.1.A.1.c. (When a COD Determination is Necessary)
* M21-1 X.iv.1.A.1.d. (When a COD Determination is Not Necessary)
* M21-1 X.iv.1.A.1.g. (Responsibility for Collecting Evidence, Including Records Containing Facts and Circumstances Surrounding Discharge)
* M21-1 X.iv.1.A .1.e. (Overview of the COD Determination Process)
* M21-1 X.iv.1.A.1.l. (COD Determination Template)
* M21-1 IX.i.1.2.a. (Wartime Service Requirement for Veterans Pension)
* M21-1 III.ii.1.A.1.e. (Final Notice to Claimants That VA is Unable to Obtain Relevant Federal Records)
 |
| Determine whether Veteran meets presumptive criteria for permanent and total (P&T) disability  | * Phase 5, Part 1b: *Determine Whether Veteran Meets Presumptive Criteria for Permanent and Total (P&T) Disability*
* **Presumptive Criteria for P&T Disability** job aid
* 38 CFR 3.342 (Permanent and Total Disability Ratings for Pension Purposes)
* M21-1 IX.ii.2.A.1 (Evidence of Disability for Veterans Pension Purposes)
* M21-1 IX.ii.2.A.1.a. (When a Rating Determination of Permanent and Total Disability Is Not Required)
* M21-1 IX.ii.2.A.1.b. (When a Rating Determination of Permanent and Total Disability Is Required)
* M21-1 IX.i.2.2.b. (Acceptable Evidence of Age)
* M21-1 IX.i.2.2.c. (Social Security Disability Evidence and SHARE Verification)
* M21-1 IX.i.2.2.d. (Determining Disability Effective Date Based on Social Security Information)
* M21-1 IX.ii.2.A.1.b. (When a Rating Determination of Permanent and Total Disability is Required)
* M21-1 IX.iii.1.G.3.j. (Medical Expense Deduction for Nursing Home Fees)
 |
| Determine dependency eligibility for a spouse of a Veteran  | * Phase 5, Part 1b: *Determine Dependency Eligibility: Spouse*
* **Dependency Eligibility Requirements** job aid
* **Dependency Eligibility: Spouse** job aid
* M21-1 VII.i.1.A (General Information on Relationship and Dependency)
* M21-1 VII.i.2.A (Establishing the Validity of a Marriage for VA Purposes)
* M21-1 VII.i.2.B (Establishing Common Law Marriages)
* M21-1 VII.i.2.C (Establishing Other Types of Marriages)
* M21-1 VII.i.2.D (Establishing Marital Relationship in Survivors Cases)
* M21-1 VII.i.2.E (Remarriage of a Surviving Spouse)
* M21-1 IX.i.3.A (General Information on Income and Net Worth Development)
 |
| Determine dependency eligibility for a child of a Veteran  | **• Phase 5, Part 1b: Determine Dependency Eligibility: Child*** 38 CFR 3.24 (Improved Pension Rates – Surviving Children)
* 38 CFR 3.57 (Child)
* 38 CFR 3.204 (Evidence of Dependents and Age)
* 38 CFR 3.461 (Dependency and indemnity Compensation)
* 38 CFR 3.660 (Dependency, Income and Estate)
* 38 CFR 3.667 (School Attendance)
* M21-1 VII.i.1.A (General Information on Relationship and Dependency
* M21-1 VII.i.3.A (Establishing a Child’s Age and Relationship)
* M21-1 VII.i.3.B (Biological Children, Adopted Children, and Stepchildren)
* M21-1 VII.i.3.C (Marriage o a Child)
* M21-1 VII.i.3.D (Children with Two Veteran-Parents)
* M21-1 IX.iii.1.E.4 (Suriving Child Entitled to Survivors Pension in Their Own Right)
* M21-1 X.ii.6.B. (A Child’s Permanent Incapacity for Self-Support)

**Dependency Eligibility Requirements** job aid  |
| Establish periods for calculating income  | * Phase 5, Part 1c: *Establish Periods for Calculating Income*
* **Initial Year** job aid
* **Income and Net Worth Status** job aid
* 38 CFR 3.31 (Commencement of the period of payment)
* M21-1 IX.iii.1.A.4 (
* 38 CFR 3.400—3.404 (Effective Dates)
* M21-1 IX.iii.1.A.5 (General Information on the Payment Date Under 38 CFR 3.31)
* M21-1 IX.iii.1.A.3.g (Definition of Initial Year for Pension and Time Limit for Establishing Entitlement for the Initial Year)
* M21-1 IX.iii.1.A.3.p. (Time Limit to Furnish Amended Income Information to Increase the Rate)
* M21-1 IX.iii.1.E.7.a. (Definition: Initial Period)
* M21-1 IX.iii.1.H.1.c. (Definition: Same Calendar Year)
* M21-1 IX.iii.1.G.4.q. (Overlapping Initial Year and Calendar Year Periods)
* M21-1 IX.iii.1.E.7.i. (Counting the Initial 12 Months of Income for Disallowed Claims)
* M21-1 IX.iii.1.E.7.j. (Counting the Second 12 Months of Income for Disallowed Claims)
* M21-1 IX.iii.1.A.1.b. (Reporting Period for Current-Law Pension)
 |
| Determine the types of income for pension purposes  | * Phase 5, Part 1c: *Determine Types of Income*
* **Income and Net Worth Status** job aid
* **SSA Inquiry** job aid
* **Initial Year** job aid
* 38 CFR 3.271 (Computation of income)
* 38 CFR 3.272 (Exclusions from income)
* M21-1 IX.iii.1.I (Counting Specific Types of Income)
* M21-1 IX.iii.1.B.3 (Computing Monthly SSA and Medicare Benefits)
* M21-1 IX.iii.1.E.6 (Counting Income for Department of Veterans Affairs Purposes)
* M21-1 IX.iii.1.I.3. (Income Exclusions)
* M21-1 IX.iii.1.F.2 (Counting the Income of Dependents)
* M21-1 IX.iii.1.K.5 (Hardship Deductions from a Child’s Income)
 |
| Select qualifying expenses for calculating income  | * **Phase 5, Part 1c: *Select Qualifying Expenses***
* **Care Expense Guide** job aid
* **Claim Types** job aid
* **Income and Net Worth Status** job aid
* **Initial Year** job aid
* 38 CFR 3.272 (Exclusions from income)
* M21-1 IX.i.3.D (Reduction of Income Due to Unreimbursed Expenses)
* M21-1 IX.iii.1.H.1.b. (Time Limit to Furnish Amended Income Information to Increase Rate)
* M21-1 IX.iii.1.E.7.a. (Definition: Initial Period)
* M21-1 IX.iii.1.E.7.b. (Deductible Medical Expenses Paid During the Initial Period)
* M21-1 IX.iii.1.G.2.a. (Rules for Deductibility of UMEs)
* M21-1 XI.iii.1.G.2.c. (List of common Allowable Medical Expenses)
* M21-1 IX.iii.1.G.3. (Sources of Medical Expenses)
* M21-1 XI.iii.1.G.4.b. (Requirements for a Medical Expense Deduction Claim)
* M21-1 IX.iii.1.G.4.f. (Allowing Medical Expenses Prospectively)
* M21-1 IX.iii.1.G.4.g. (Example of Annual Amount vs. Calculated Estimated Actual Amount)
* M21-1 IX.iii.1.K.1 (Final Expense Deductions—Overview and Definitions)
* M21-1 IX.iii.1.K.2 (Processing Final Expense Deductions)
* M21-1 IX.iii.1.K.3 (Educational Expense Deductions)
 |
| Determine income status | * Phase 5, Part 1c: *Determine Income Status*
* **Income Eligibility** job aid
* **Care Expense Guide** job aid
* **Upfront Verification** job aid
* **Income and Net Worth Status** job aid
* **Claim Type** job aid
* **Initial Year** job aid
* 38 CFR 3.271 (Computation of income)
* M21-1 IX.iii.1.G.1 (Pension Deductible Expenses)
* M21-1 IX.iii.1.B (Social security Administration (SSA) Benefits Program)
* M21-1 IX.iii.1.I (Counting Specific Types of Income)
* M21-1 IX.iii.1.A.3 (Denying a Claim When IVAP Is Excessive; Considering Amended Income Information)
* M21-1 IX.i.3.A (General Information on Pension Income and Net Worth Development)
* M21-1 XIV.4.A (FTI Match: General Information)
* M21-1 XIV.4.A.1.d. (Upfront Verification)
 |
| Determine net worth status  | * Phase 5, Part 1c: *Determine Net Worth Status*
* **Income and Net Worth Status** job aid
* **Claim Type** job aid
* M21-1 IX.i.3.A.1.c. (Definition: Net Worth)
* M21-1 IX.iii.1.J (Net Worth Criteria)
* M21-1 IX.iii.1.A (General Information on Pension Income and Net Worth Development)
 |
| Determine whether a claim requires a rating decision | * Phase 5, Part 1d: *Overview of Ready to Rate*
* **Ready to Rate** job aid
* 38 CFR 3.353 (Determinations of Incompetency and Competency)
* M21-1 V.iv.1.A.1.b. (Definition: Rating Decision)
* M21-1 V.i.1.A.1.a. (Definition of the Rating Activity)
* M21-1-1 V.i.1.B.1.a. (Referring Claims to the Rating Activity After Development Is Complete)
* M21-1 V.i.1.A.1.b. (Specific Decision-making Responsibilities of the Rating Activity)
* M21-1 IX.ii.2.A.1.b. (When a Rating Determination of Permanent and Total Disability Is Required)
* M21-1 IX.ii.2.A.1.a. (When a Rating Determination of Permanent and Total Disability Is Not Required)
* M21-1 X.ii.6.B.2.c. (Rating Activity Considerations in Claims Alleging a Child’s Incapacity for Self-Support)
* M21-1 VIII.1.4.a. (General Policy Information)
* M21-1 V.i.1.A.1.b. Specific Issues Requiring a Rating Decision
* M21-1 XI.ii.3.D.1.d. (Consider a Rating Decision Dated Prior to Death)
* M21-1 XII.i.2.A (Refer DIC Cases to the Rating Activity)
* M21-1 XII.i.1.B.1.g. (Obtaining Evidence Relating the Cause of Death to an SC Condition)
* M21-1 XII.i.2.A.1.g. (When a Survivor Claim Does Not Require a Rating Decision)
* M21-1 XII.i.2.A.2.a. (DIC Under 38 U.S.C. 1151)
* M21-1 X.ii.6.A.1.d. (Making a Finding of Incompetency)
* M21-1 X.ii.6.A.2.a. (Considering Whether to Address Competency of a Veteran)
* M21-1 X.ii.6.A.5.b. (Determining When a Competency Rating is Needed After a Decree by a Court)
* M21-1 IX.ii.2.C.1.b. (Medical Evidence Used for A&A Ratings)
* M21-1 X.ii.2.B.2.a. Procedures for Rating Activity Review
* M21-1 IX.i.2.2.f. (Acceptable Medical Evidence and Definition of Adequate Medical Evidence for Pension Rating Purposes and
* M21-1 IX.i.2.2.g. (VA Examination Authorization)
* M21-1 IX.i.2.2.h. (Obtaining Evidence Before Referring a Claim to the Rating Activity)
* M21-1 IX.i.2.2.h. (Obtaining Evidence Before Referring a Claim to the Rating Activity)
* M21-1 IX.ii.2.C.1.b. (Medical Evidence Used for A&A Ratings)
* M21-1 X.ii.6.B.1. (General Information on Proof of Permanent Incapacity for Self-Support)
* M21-1 I.i.1.A (Description and General Information on Duty to Notify and Duty to Assist)
* M21-1 XII.i.1.B.1.e. (Evidence Required to Determine Entitlement to DIC)
 |
| Demonstrate how to develop for information/evidence needed to fulfill duty to assist | * Phase 5, Part 2: *Overview of the Development Process*
* 38 USC 5103 (Notice to Claimants of Required Information and Evidence)
* 38 CFR 3.159 (VA Assistance in Developing Claims)
* 38 CFR 3.160 (Status of Claims)
* 38 CFR 3.2601 (Higher-level Review)
* Public Law (PL) 106-475 (Veterans Claims Assistance Act of 2000)
* M21-1 III.i.2.D.1 (Requesting Evidence from the Claimant)
* M21-1 III.i.2.A.1 (General Information on VA’s Duty to Assist Claimants)
* M21-1 III.i.2.D.1.b. (Notice of Time Limits to Submit Evidence)
* M21-1 III.i.2.A.1.g. (Handling Concurrent Development Actions)
* M21-1 III.i.2.D.1.d. (Claims Development by E-Mail, Telephone, and Electronic Means)
* M21-1 III.i.2.D.1.e. (Documenting Information Received by Telephone)
* M21-1 III.i.2.D.2.a. (Time Limit for Responding to a Request)
* M21-1 III.i.2.D.1.a. (Written Requests for Evidence)
* M21-1 III.i.2.C.2.d. (Assisting in Obtaining Third Party Records)
* M21-1 III.ii.1.A.1.b. (Standard Procedure for Requesting Records from a Federal Entity)
* **Develop for Missing Information/Evidence** job aid
* **Pension Systems and Applications** job aid
 |
| Confirm accuracy of a rating decision | * Phase 5, Part 3: *Confirm Accuracy of a Rating Decision*
* 38 CFR 3.31 (Commencement of the period of payment)
* 38 CFR 3.351 (Special Monthly Dependency and Indemnity Compensation, Death Compensation, Pension, and Spouse’s Compensation Ratings)
* 38 CFR 3.400 for effective dates (General)
* 38 CFR 3.500 for effective date of rating reduction/discontinuance (General)
* 38 CFR 21.3021 (Definitions)
* M21-1 VI.i.1.A.2.c (Award Processing Responsibilities)
* M21-1 V.iv.1.E.1.a (Review of Rating Decisions)
* **Confirm Accuracy of a Rating Decision** job aid
* **Ready to Rate** job aid
* **Pension Systems** **and Applications** job aid
 |
| Describe how to prepare an award action  | * Phase 5, Part 3: *Overview of the Award Process*
* 38 CFR 3.106 (Renouncement)
* M21-1 VI.i.1.A. (Decision Authorization)
	+ M21-1 VI.i.1.A.1.a. (Final Stage in Adjudicating a Claim)
	+ M21-1 VI.i.1.A.1.b. (Responsibility for Awarding or Denying Benefits)
	+ M21-1 VI.i.1.A.2. (General Information on Processing Decisions)
	+ M21-1 VI.i.1.A.2.c. (Award Processing Responsibilities)
	+ M21-1 VI.i.1.A.3. (General Information on Denials)
	+ M21-1 VI.i.1.A.3.a. (Definition: Denial)
	+ M21-1 VI.i.1.A.2.d. (Circumstances Under Which a VSR May Authorize His/Her Own Award Action)
	+ M21-1 VI.i.1.A.4. (Denials Based on a Claimant’s Failure to Furnish Requested Evidence)
* M21-1 VI.i.1.B. (Decision Notices)
	+ M21-1 VI.i.1.B.1.b. (Decision Notice Requirements)
* M21-1 X.iv.4. (Renouncements)
	+ M21-1 X.iv.4.1. (General Information About Renouncement)
	+ M21-1 X.iv.4.1.b. (Acceptable Means of Renouncing the Right to a Benefit)
	+ M21-1 X.iv.4.3.c. (System Entries for Discontinuing an Award)
	+ M21-1 X.iv.4.3.d. (Notification of Renouncement of the Right to Pension or Parents DIC)
	+ M21-1 X.iv.4.3.e. (Notification of Renouncement of the Right to Benefits Other Than Pension or Parents DIC)
* **Annotate the Award** job aid
* **Processing an Award Adjustment** job aid
* **Processing an Award Renouncement** job aid
* **Processing a Denial of Benefits** job aid
* **Processing a Grant of Benefits** job aid
 |
| Create the decision notification  | * Phase 5, Part 4: *Prepare the Decision Notice*
* 38 CFR 3.103 (Procedural Due Process and Other Rights)
* 38 CFR 3.104 (Binding Nature of Decisions)
* **38 CFR 3.110 (Computation of Time Limit)**
* 38 CFR 3.1010 (Substitution Under 38 USC 5121 following Death of a Claimant)
* 38 CFR 3.2500 (Review of Decisions)
* M21-1, I.i.1.B (General Information on Due Process)
* M21-1, X.ii.3.A (Notice of Proposed Adverse Action)
* M21-1, X.ii.3.C (Contemporaneous Notice)
* M21-1, VI.i.1.B (Decision Notices)
* M21-1, VI.i.1.B.1.b. (Decision Notice Requirements)
* M21-1, VI.i.1.B.1.c. (Failure to Issue a Decision Notice)
* M21-1, VI.i.1.B.1.d. (Requirement to Use a Single Decision Notice)
* M21-1, VI.i.1.B.1.j. (Providing Review Rights in a Decision Notice)
* M21-1, VI.i.1.B.1.k. (Notifying Claimants of Potential Entitlement to Additional Benefits)
* M21-1, VI.i.1.B.2 (Special Requirements for Visually Impaired Veterans)
* M21-1, VI.i.1.B.1.m.  (Steps to Follow After Preparing a Decision Notice)
* M21-1, VI.i.1.B.3 (Decision Notices Containing FTI)
* M21-1, VI.i.1.B.5 (Exhibit: Review Rights Language for

PCGL) * M21-1 X.ii.3.A.2.b. (Descriptions of Elements in Notice of Proposed Adverse Actions
* M21-1, X.v.1.C.1.a. (Issues Requiring an Administrative Decision)
* **PCGL User Guide**
* **Processing a Grant of Benefits** job aid
* **Processing a Denial of Benefits** job aid
 |