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 |
| 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 |