PENSION AND FIDUCIARY Service

PMC VSR Advanced Core Course Phase 6: Practical Application and Experience

Process Election Claims

Appendix A

August 2023

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Lesson 20 Prerequisites

Description

This Appendix A lists the references according to the prerequisite learning objectives. The reference types include the corresponding lesson title, job aids, 38 Code of Federal Regulations (CFR) and M21-1 Adjudication Procedures Manual.

Determine whether the application for benefits is complete or incomplete

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 1: *Complete and Incomplete Applications for Benefit Claims* |
| Job Aids | **None** |
| 38 CFR and M21-1 Manual | * M21-1 I.i.1.A. (Description and General Information on Duty to Notify and Duty to Assist) * M21-1 II.iii.1.A.1.a. (Requirements for a Complete Claim Received on or After March 24, 2015) * M21-1 II.iii.2.H (Historical Guidance on Formal Applications and Informal Claims Received Prior to March 24, 2015) |

Determine if a claim can be processed as an FDC

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 1: *Fully Developed Claims (FDCs)* |
| Job Aids | **None** |
| 38 CFR and M21-1 Manual | * M21-1 X.i.2.A. (General Information About the Fully Developed Claims [FDC] Program) * M21-1 X.i.2.B.2 (Excluding Claims From the FDC Program) * M21-1 X.i.2.B.3 (Development the Department of Veteran (VA) Undertakes in Connection with FDCs) |

Check whether an original claim was previously established

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 1: Types of Claims and Priority Processing |
| Job Aids | **Pension Systems and Applications job aid** |
| 38 CFR and M21-1 Manual | * M21-1 X.i.1. (Priority Processing Programs) * M21-1 III.i.2.F.1.b (Corporate Flashes) * M21-1 X.ii.2.A.2.c.  (Definition: New and Relevant) * M21-5 (Appeals and Reviews) |

Check whether the original claim had a prior decision

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 1: Types of Claims and Priority Processing |
| Job Aids | **Pension Systems and Applications job aid** |
| 38 CFR and M21-1 Manual | * M21-1 X.i.1. (Priority Processing Programs) * M21-1 III.i.2.F.1.b (Corporate Flashes) * M21-1 X.ii.2.A.2.c. (Definition: New and Relevant) * M21-5 (Appeals and Reviews) |

Confirm the Date of Claim (DOC) is correct

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 1: *Date of Claim* |
| Job Aids | **None** |
| 38 CFR and M21-1 Manual | * M21-4 Appendix B (End Product Codes and Work-Rate Standards for Quantitative Measurements) * M21-1 II.i.2.C (Mail Management) * M21-1 II.i.2.A (Overview of the Initial Mail Screening Process) * M21-1 II.iii.1.A.4.c. (Determining the Proper DOC for Claims Establishment Purposes) |

Confirm the End Product (EP) code is correct

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 1: *End Product (EP) Codes* |
| Job Aids | **None** |
| 38 CFR and M21-1 Manual | * M21-4 Appendix B (End Product Codes) |

Recognize an Old Law or Section 306 Pension claim

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 1: *Introduction to Old Law and Section 306 Pension Programs* |
| Job Aids | **Old Law and Section 306 Pension Programs** job aid |
| 38 CFR and M21-1 Manual | * 38 CFR 3.262 (Evaluation of Income) * M21-1 IX.iii.1.C.1.a (Continuity of Entitlement) * M21-1 IX.iii.1.C.1.b (Calendar Year IVAP) * M21-1 IX.iii.1.C.1.c (Section 306 Pension Countable Income) * M21-1 IX.iii.1.C.1.e (Old Law Pension Countable Income) * M21-1 IX.iii.1.C.3.f. (Final Expenses Under Section 306 Only) * M21-1 IX.iii.1.C.4.a. (Effective Date of Reductions or Discontinuances) * M21-1 IX.iii.1.C.4.c. (Time Limit to Amend Income Information) |

Establish Veteran status

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 1: *Establishing Veteran Status* |
| Job Aids | **None** |
| 38 CFR and M21-1 Manual | * Phase 5, Part 1b, Lesson 10: *Establish Veteran Status* * 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.a. (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 (General Information on Administrative Decisions) * M21-1 X.v.1.C.3.a. (Guidelines for Preparing 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 an Administrative Decision) * M21-1 X.iv.1.B (Special Topics Involving Character of Discharge (COD)) * 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) * M21-1 X.iv.1.A .1.e. (Overview of the COD/ Statutory Bar Determination) * M21-1 X.iv.1.A.1.l. (COD/ Statutory Bar Determination Template) * M21-1 IX.i.1.2.a. (Service Requirement for Pension Eligibility) * M21-1 III.ii.1.A.1.e. (Final Notice to Claimants That VA is Unable to Obtain Relevant Federal Records) * 38 CFR 3.2 (Periods of War) * 38 CFR 3.12 (Character of Discharge) * 38 CFR 3.12a (Minimum Active-Duty Service Requirement) |

Determine whether Veteran meets presumptive criteria for P&T Disability

| Reference Type | Reference Name |
| --- | --- |
| Lesson | **Phase 5, Part 1: *Determine Whether Veteran Meets Presumptive Criteria for P&T Disability*** |
| Job Aids | **Presumptive Criteria for P&T Disability** job aid |
| 38 CFR and M21-1 Manual | * 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 the types of income for pension purposes

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 1: *Determine Types of Income* |
| Job Aids | * **Income and Net Worth Status** job aid * **SSA Inquiry** job aid * **Initial Year** job aid |
| 38 CFR and M21-1 Manual | * 38 CFR 3.271 (Computation of income.) * M21-1 IX.iii.1.l (Improved Pension—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) * 38 CFR 3.272 (Exclusions from income) * M21-1 IX.iii.1.l.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) |

Create decision notice

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 4: *Prepare the Decision Notice* |
| Job Aids | * **Processing an Award Adjustment** job aid * **Processing a Grant of Benefits** job aid * **Processing a Denial of Benefits** job aid |
| 38 CFR and M21-1 Manual | * M21-1 I.i.1.B (General Information on Due Process) * M21-1 X.ii.3.A (Notice of Proposed Adverse Action) * M21-1 VI.i.1.B (Decision Notices) * M21-1 VI.i.1.B.1.a-m (Notification Requirements) * M21-1 VI.i.1.B.2 (Special Requirements for Visually Impaired Veterans) * M21-1 VI.i.1.B.3 (Decision Notices Containing Federal Tax Information [FTI]) * M21-1 V.ii.4.A.6 (Determining Effective Dates Based on New Guidance) * M21-1 **V.ii.4.A.6.f****.** (Provisions of 38 CFR 3.114(a) on Eligibility for Retroactive Benefits) |

Demonstrate how to develop for information/evidence needed to fulfill duty to assist

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 2: *Overview of the Development Process: Requesting Information/Evidence* |
| Job Aids | **Develop for Missing Information/Evidence job aid** |
| 38 CFR and M21-1 Manual | * 38 CFR 3.159 (Department of Veteran Affairs Assistance in Developing Claims) * M21-1 I.i.1.A.1 (VA’s Duty to Assist) * 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 (Evidence Requested from the Claimant) * 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.1.a. (Written Requests for Evidence) * M21-1 III.ii.3 (Requesting Evidence from Private Health Care Providers) * M21-1 III.i.2.C (Duty to Assist with Obtaining Records) |

Process an original claim for Veterans Pension

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 6: *Process Original Veterans Pension Claims* |
| Job Aids | **Processing an Original Veterans Pension Claim Checklist** job aid |
| 38 CFR and M21-1 Manual | * 38 CFR 3.159 (Department of Veteran Affairs Assistance in Developing Claims) * M21-1 I.i.1.A.4.b. (Refraining from or Discontinuing Assistance) * M21-1 I.1.A.4.c (Claims That are Inherently Incredible or Lack Merit) * M21-1 III.i.1 (Establishing Veteran Status and Verifying Service) |

Process a claim for Survivors Original Pension

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 6: *Process Survivors Original Pension Claims* |
| Job Aids | **Processing a Survivors Original Pension Claim Checklist** job aid |
| 38 CFR and M21-1 Manual | * M21-1 I.ii.2.2.b.  (Definition: Survivors Pension) * M21-1 I.i.1.A.4.b. (Refraining from or Discontinuing Assistance) * M21-1 I.1.A.4.c (Claims That are Inherently Incredible or Lack Merit) * M21-1 I.i.1.A.4.f.  (Definition: Substantially Complete Application) * M21-1 VII.i.2.A. (Requirement for Establishing the Validity of a Marriage) * M21-1 VII.i.2.B (Establishing Common Law Marriages) * M21-1 VII.i.2.A C (Establishing Other Types of Marriages) * M21-1 VII.i.2.D (Establishing Marital Relationship in Survivors Cases) * M21-1 VII.i.3.A (Establishing a Child’s Age and Relationship) * M21-1 VII.i.3.B (Biological Children, Adopted Children, or Stepchildren) * M21-1 VII.ii.1.A (Benefit Entitlement for School Children) * M21-1 VII.ii.1.B (Awards and Adjustments Based Upon School Attendance) * M21-1 X.ii.6.B (A Child’s Permanent Incapacity for Self-Support) * M21-1 XI.ii.1 (Referral for Consideration of Survivor’s Benefits) * M21-1 XI.ii.1.1.b.  (General Policy Regarding the Referral of Survivors Benefits Claims to the Rating Activity) * M21-1 XI.ii.1.1.c.  (Specific Situations in Which Survivors Benefits Claims Should Be Referred to the Rating Activity) |

Process Dependency and Indemnity Compensation (DIC) claims

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 6: *Process Dependency and Indemnity Compensation (DIC) Claims* |
| Job Aids | **Processing a DIC Claim Checklist** job aid |
| 38 CFR and M21-1 Manual | * 38 CFR 3.309 (Disease Subject to Presumptive Service Connection) * M21-1 XII.i.1.A (Overview of Dependency and Indemnity Compensation [DIC]) * M21-1 XII.i.1 (Dependency and Indemnity Compensation [DIC]) * M21-1 VII.i.2.D.4. (Marriage Date Requirement and Dependency and Indemnity Compensation [DIC] Claims) * M21-1 VII.i.2.E.12 (Survivor Benefit Eligibility Based on Remarriage Upon Attaining Age 57) * M21-1 VII.i.2.E.13 (DIC Eligibility Based on Remarriage upon Attaining Age 55) * M21-1 XII.i.2.A (Ratings for Dependency and Indemnity Compensation [DIC]) |

Process parents' Dependency and Indemnity Compensation (DIC) claims

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 6: *Process Parents' DIC Claims* |
| Job Aids | **Processing a Parents' DIC Claim Checklist** job aid |
| 38 CFR and M21-1 Manual | * 38 CFR 3.59 (Parent) * 38 CFR 3.209 (Birth) * 38 CFR 3.210 (Child’s Relationship) * M21-1 VII.i.4.A (Establishing Parental Relationship) * M21-1 VI.iii.3.A (Contested Claims) * M21-1 XII.i.1.B.1.g (Obtaining Evidence Relating the Cause of Death to an SC Condition) * M21-1 XII.i.1.B.1.i (When to Develop for Service Connection for the Cause of Death) * M21-1 IX.i.1.4 (Entitlement Requirements and Development for Parents’ DIC) * M21-1 IX.iii.1.A.4 (Pension and Parent’s DIC Award Effective Dates and Payment Dates) * M21-1 IX.iii.1.D (Parents’ DIC)   + M21-1 IX.iii.1.D.1.b (Determination of Parents' DIC Income Limit)   + M21-1 IX.iii.1.D.3 (Proportionate Calculation of Income for Veterans Affairs Purposes (IVAP)) * M21-1 IX.iii.1.D.6.a (General Information on Changes in Marital and Dependency Status) |

Determine qualifying expense adjustments

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 5: *Determine Qualifying Expense Adjustments* |
| Job Aids | * **Care Expense Guide** job aid * **Income and Net Worth Status** job aid * **Initial Year** job aid * **Integration of Medical Expenses in VBMS-A** job aid * **Processing an Award Adjustment** job aid |
| 38 CFR and M21-1 Manual | * 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.i.3.D.2 (Developing for Unreimbursed Medical Expenses) * M21-1 IX.i.3.D.3 (Developing for Unreimbursed Funeral and Other Final Expenses) * M21-1 IX.i.3.D.4 (Developing for Unreimbursed Educational Expenses) * 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 IX.iii.1.G.3 (Sources of Medical Expenses) * M21-1 V.iii.1.G.4 (Processing UME Deductions) * 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 award adjustment based on amended income

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 5: *Determine Amended Income Adjustments* |
| Job Aids | * **Annotate the Award Checklist job a**id * **Develop for Missing Information/Evidence** job aid * **Income and Net Worth Status** job aid * **Initial Year** job aid * **Income Eligibility** job aid * **Processing and Award Adjustment** job aid * **Time Limits** job aid * **Upfront Verification** job aid |
| 38 CFR and M21-1 Manual | * M21-1 IX.i.3 (Income and Net Worth Development) * M21-1 II.iii.1.A.1.a (Requirements for a Complete Claim Received on or After March 24, 2015) * M21-1 IX.iii.1.A.1 (Income Reporting for Pension and Parents’ DIC) * M21-1 IX.iii.1.H.1 (Adjustments Based on Changes in Income) * M21-1 IX.iii.1.H.2 (Cost-of-Living Adjustments [COLA]) * M21-1 IX.iii.1.E.5 (Income Classifications) * M21-1 IX.iii.1.A.6.h (Increases Resulting Solely from the Enactment of Legislation) * M21-1 IX.iii.1.B.1.k (SSI Program) * M21-1 IX.iii.1.l.1.i (Gains From Gambling) * M21-1 III.ii.1.B.4.a (Using the SSA Inquiry Command in Share) * M21-1 IX.iii.1.l.1.g (Gifts and Inheritances of Property or Cash) * M21-1 I.i.1.B.1.d (Definition: Third Party Information) * M21-1 IX.iii.1.E.1.a (Changing Rate of Pension) * M21-1 IX.iii.1.E.1.b (Knowledge Needed to Determine Monthly Rate of Pension) * M21-1 IX.iii.1.E.7 (Counting Income During the Initial Year) * M21-1 IX.i.3.C.1.a (General Information on Developing for Recurring Income) |

Determine award adjustment based on change in dependency

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 5, Part 5: *Determine Dependency Adjustments* |
| Job Aids | * **Processing an Award Adjustment** job aid * **Annotate the Award Checklist** job aid * **Initial Year** job aid * **Income and Net Worth Status** job aid * **Time Limit** job aid * **Dependency Eligibility Requirements** job aid * **Dependency Eligibility: Spouse** job aid |
| 38 CFR and M21-1 Manual | * 38 CFR 3.57 (Child) * 38 CFR 3.204 (Evidence of dependents and age.) * 38 CFR 3.205 (Marriage.) * 38 CFR 3.206 (Divorce.) * 38 CFR 3.207 (Void or annulled marriage.) * 38 CFR 3.208 (Claims based on attained age.) * 38 CFR 3.209 (Birth.) * 38 CFR 3.210 (Child's relationship.) * 38 CFR 3.211 (Death.) * M21-1 VII.i (Relationship and Dependency) * M21-1 VII.ii.1 (School Attendance) * M21-1 IX.iii.1.F.1.a. (Establishing Dependents for Current-Law Pension Purposes) |

Process income and net worth adjustment claims

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 6: *Process Income and Net Worth Adjustment Claims* |
| Job Aids | **Processing Income and Net Worth Adjustment Claims Checklist** job aid |
| 38 CFR and M21-1 Manual | * 38 CFR 3.23 (Improved Pension Rates – Veterans and Surviving Spouses) * 38 CFR 3.262 (Evaluation of Income) * 38 CFR 3.272 (Exclusions from Income) * 38 CFR 3.400 (General) * M21-1 IX.i.3.A.1.a. (Effect of Income on Benefit Entitlement) * M21-1 IX.i.3.A.1.b. (Considering FTI) * M21-1 IX.i.3.A.3 (Income and Net Worth Reporting Periods) * M21-1 IX.i.3.B.1.b. (Obtaining Supplemental Income and Net Worth Information) * M21-1 IX.i.3.B.2.b. (Sending EVR Forms) * M21-1 IX.i.3.B.2.c. (Determining if a Pension Claimant has Dependents) * M21-1 IX.i.3.B.2.d. (Recording From/Thru Dates on Pension EVR Forms) * M21-1 IX.i.3.B.3.a. (Forms for Developing Specific Types of Income) * M21-1 IX.i.3.B.4 (Developing for Income and Net Worth Information by Telephone, Email, or Electronic Claims Submission Service) * M21-1 IX.i.3.C.1.a. (General Information on Developing for Recurring Monthly Income) * M21-1 IX.i.3.C.2.a. (Hardship and the Child Hardship Exclusion) * M21-1 IX.i.3.C.3.a. (Developing for Interest Income from Net Worth * M21-1 IX.iii.1.E.6 (Counting IVAP) * M21-1 IX.iii.1.E.6.n. (Irregular Income and the End-of-the-Month Rule) * M21-1 IX.iii.1.E.6.s. (Income Received Before the Effective Date of the Award) * M21-1 IX.iii.1.E.7.d. (Example 2: Income Counting for the Initial Year – IVAP Changes) |

Process a dependency adjustment claim

| Reference Type | Reference Name |
| --- | --- |
| Lesson | Phase 6: *Process Dependency Adjustment Claims* |
| Job Aids | **Processing a Dependency Adjustment Claim Checklist** job aid |
| 38 CFR and M21-1 Manual | * 38 CFR 3.50 (Spouse and Surviving Spouse) * 38 CFR 3.52 (Marriages Deemed Valid.) * 38 CFR 3.54 (Marriage Dates) * 38 CFR 3.55 (Reinstatement of Benefits Eligibility Based Upon Terminated Marital Relationships) * 38 CFR 3.57 (Child) * 38 CFR 3.204 (Evidence of Dependents and Age.) * 38 CFR 3.205 (Marriage) * 38 CFR 3.210 (Child’s Relationship.) * 38 CFR 3.356 (Conditions Which Determine Permanent Incapacity for Self-Support) * 38 CFR 3.451 (Special Apportionments) * 38 CFR 3.667 (School Attendance) * M21-1 I.i.1.B (General Information on Due Process) * M21-1 VII.i.1.A (General Development and Dependency Issues) * M21-1 VII.i.1.C (Adjusting Awards for Dependents) * M21-1 VII.iii (Apportionment of Benefits) * M21-1 VII.i.2.E (Remarriage of a Surviving Spouse) * M21-1 IX.iii.1.F (Dependents for Current-Law Pension Purposes) * M21-1 IX.iii.1.F.2.h. (Counting the Income of an Unestablished Dependent) |