PENSION AND FIDUCIARY Service

PMC VSR Advanced Core Course
Phase 5, Part 1(d): Beyond Basic Eligibility and Ready to Rate

Phase 5, Part 1(d) Knowledge Check Preparation

Appendix A

March 2022

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Knowledge Check Preparation Learning Objectives

Description

This appendix lists the references according to the learning objectives used for the knowledge check preparation. The reference types include the corresponding lesson title, job aids, 38 Code of Federal Regulations (CFR) and M21-1 Adjudication Procedures Manual.

Verify Proof of Death for Survivor’s Benefits

| Reference Type | Reference Name  |
| --- | --- |
| Lesson | Phase 5, Part 1(d), Lesson 21: *Verifying Proof of Death for Survivor’s Benefits* |
| Job Aids | **None** |
| 38 CFR and M21-1 Manual | * 38 CFR 3.211 (Death)
* 38 CFR 3.212 (Unexplained Absence for 7 Years)
* M21-1 X.iv.2.B (Considering Eligibility When Homicide is Involved)
* M21-1 XII.i.3.B.1.a. (Acceptable Proof of Death)
* M21-1 XII.i.1.B.1.g.  (Obtaining Evidence Relating to Cause of Death)
* M21-1 XII.i.1.B.1.n. (Developing for Proof of Death)
* M21-1 XI.i.2.B (Finding of Fact and Date of Death)
* M21-1 XI.iii.1.A.4.e. (Proof of Death)
 |

Determine Whether to Apply Liberalizing Law

| Reference Type | Reference Name  |
| --- | --- |
| Lesson | Phase 5, Part 1(d), Lesson 22: *Apply Liberalizing Law to Pension Eligibility* |
| Job Aids | **None** |
| 38 CFR and M21-1 Manual | * 38 CFR 3.114 (Change of law or Department of Veterans Affairs issue)
* M21-1 IX.iii.1.A.2.h. (Considering FTI on Grants of Pension based Liberalizing Law)
* M21-1 V.ii.4.A.6.c. (Awarding Retroactive Benefits Based on a Law Change)
* M21-1 IX.iii.1.A.4.d. (Retroactive Effective Dates to Pension Due to Liberalizing Law)
 |

Process Veteran Married to Veteran Cases

| Reference Type | Reference Name  |
| --- | --- |
| Lesson | Phase 5, Part 1(d), Lesson 23: *Process Veteran-Married-to-Veteran Cases* |
| Job Aids | **Veteran Married to Veteran job aid****Common VA Terms** job aid |
| 38 CFR and M21-1 Manual | * 38 CFR 3.23 a(4) (Improved pension rates—Veterans and surviving spouses)

38 CFR 3.31 – Commencement of the Period of Payment* **M21-1 IX.iii.1.E.1.c. (Determining the Monthly Rate of Pension Payment)**
* M21-1 IX.iii.1.E.3.a. (Combined Rate Payable to Veterans Married to Each Other)
* M21-1 IX.iii.1.E.3.b. (Award Procedures in Veteran-Married-to-Veteran Cases)
* M21-1 IX.iii.1.E.3.c. (Determining the File Number to Use in Combined Awards)
* M21-1 IX.iii.1.E.3.d. (Estranged Married Veterans)
* M21-1 IX.iii.1.E.3.e. (Mandatory Election from Protected Pension in Veteran-Married-to-Veteran Cases)
* M21-1 IX.iii.2.B.2 (Making Payments in Veteran-Married-to-Veteran Pension Cases)
 |

Determine Eligibility for Accrued Benefits

| Reference Type | Reference Name  |
| --- | --- |
| Lesson | Phase 5, Part 1(d), Lesson 24: *Determine Accrued Benefits Eligibility* |
| Job Aids | * **Accrued Benefits job aid**
* **Calculating Accrued Based on AEW** job aid
* **Accrued Paid/Date Calculator**
 |
| 38 CFR and M21-1 Manual | * 38 USC 5121 (Payment of Certain Accrued Benefits Upon Death of a Beneficiary)
* 38 CFR 3.1000 (Entitlement under 38 U.S.C. 5121 to Benefits Due and Unpaid Upon Death of a Beneficiary)
* 38 CFR 3.1001 (Hospitalized Competent Veterans)
* 38 CFR 3.1003 (Returned and Canceled Checks)
* 38 CFR 3.1010 (Substitution Under 38 U.S.C. 5121A Following Death of a Claimant)
* 38 CFR 3.816 (Awards Under the Nehmer Court for Disability or Death Caused by a Condition Presumptively Associated with Herbicide Exposure)
* M21-1 XI ii.3. (Accrued and Substitution)
* M21-1 II.i.2.B.1.d. (Date of Receipt for Mail Processed in the CM Portal)
* M21-1 VII.i.1.A.1.c. (Importance of Establishing the Relationship of an Individual to a Veteran)
* M21-1 IX.iii.1.K.1. (Final Expense Deductions—Overview and Definitions)
 |

Determine Burial Benefits Eligibility

| Reference Type | Reference Name  |
| --- | --- |
| Lesson | Phase 5, Part 1d, Lesson 25: *Determine Burial Benefits Eligibility* |
| Job Aids | **Burial Benefits Eligibility** job aid |
| 38 CFR and M21-1 Manual | * 38 U.S.C. Chapter 23 – Burial Benefits
* 38 CFR 3.1700 – Types of VA Burial Benefits
* 38 CFR 3.1702 – Persons who may Receive Burial Benefits – Priority of Payments
* 38 CFR 3.1703 – Claim for Burial Benefits
* 38 CFR 3.1704 – Burial Allowance Based on Service-connected Death
* 38 CFR 3.1705 – Burial Allowance Based on Non-Service-Connected Death
* 38 CFR 3.1712 – Effect of Forfeiture on Payment of Burial Benefits
* M21-1 XI.iii.1.A.1 (Definitions of Burial Benefit Terms)
* M21-1 IX.iii.1.A.2 (Time Limit for Filing Claims)
* M21-1 XI.iii.1.A.3 (Priority of Payments)
	+ M21-1 XI.iii.1.A.3.a. (Automatic Payments to an Eligible Surviving Spouse)
		- M21-1 XI.iii.1.A.3.b. (Priority of Payments)
* M21-1 XI.iii.1.A.4 (Required Evidence for Burial Benefits)
	+ - M21-1 XI.iii.1.A.4.e (Proof of Death)
* M21-1 XI.iii.1.A.5 (Automated Burial and Plot or Interment Allowance)
* M21-1 XI.iii.1.A.6 (End Product Control)
* M21-1 XI.iii.1.B (Burial Benefits)
	+ M21-1 XI.iii.1.B.1.b (Verifying a Veteran’s Service for Burial Benefits)
* M21-1 XI.iii.1.B.2 (SC Burial Allowance)
* M21-1 XI.iii.1.B.3 (NSC Burial Allowance)
* M21-1 XI.iii.1.B.4 (VA Hospitalization Death Burial Allowance)
* M21-1 XI.iii.1.B.5 (Plot or Interment Allowance)
* M21-1 XI.iii.1.B.6 (Transportation Reimbursement)
* M21-1 XI.iii.1.B.7 (Burial of Veterans Unclaimed Remains)
 |

Determine Eligibility for Month of Death (MOD) Benefit

| Reference Type | Reference Name  |
| --- | --- |
| Lesson | Phase 5, Part 1(d), Lesson 26: Determine *Eligibility for Month of Death Benefit* |
| Job Aids | **Month of Death (MOD)** job aid |
| 38 CFR and M21-1 Manual | * 38 USC 5101 (Claims and Forms)
* 38 CFR 3.20 (Surviving spouse's benefit for month of veteran's death)
* M21-1 VII.i.2.D.1 (Establishing a Valid Marriage in Survivors Cases)
* M21-1 XI.i.B.2 (Existing BIRLS Records and Veteran NOD Processing)
* M21-1 XI.ii.2 (Month of Death (MOD) Benefit)
 |

Identifying If a Claim Is Ready to Rate

| Reference Type | Reference Name  |
| --- | --- |
| Lesson | Phase 5, Part 1(d), Lesson 27: *Overview of Ready to Rate* |
| Job Aids | **Ready to Rate** job aid |
| 38 CFR and M21-1 Manual | * 38 USC 1151 (Benefits for persons disabled by treatment or vocational rehabilitation
* 38 CFR 3.211 (Death)
* 38 CFR 3.351 (Special Monthly Dependency and Indemnity Compensation, Death Compensation, Pension and Spouse’s Compensation Ratings)
* 38 CFR 3.353 (Determinations of incompetency and competency)
* M21-1, III.ii.1.A.2.d. (Means for Obtaining VA Medical Records)
* M21-1, V.i.1.A (General Information on the Rating Activity)
* M21-1, V.ii.2.B (Presumptive Service Connection (SC)
* M21-1, V.iv.1.A (Completing the Rating Decision Narrative)
* M21-1, V.i.1.B (Referrals to the Rating Activity)
* M21-1, V.i.1.A.1.b. (Specific Issues Requiring a Rating Decision)
* M21-1, VI.i.1.B.1 (Notification Requirements)
* M21-1, IX.ii.1.A.1.f. (Applicable Regulatory References for Certain A&A Status Issues)
* M21-1, IX.ii.2.C (Special Monthly Pension (SMP) Ratings)
* M21-1, IX.ii.2.C.1.b. (Medical Evidence Used for A&A Ratings)
* M21-1, IX.ii.2.C.1.g. (When No Rating Decision is Required to Grant A&A
* M21-1, IX.i.2.2.a. (When a Rating Determination of P&T Disability is Not Required)
* M21-1, IX.i.2.2.e. (When a Rating Determination of P&T Disability is Required)
* M21-1, IX.i.2.5 (Referring Pension Claims to the Rating Activity)
* M21-1, X.i.2.B.2 (Excluding Claims from the FDC Program)
* M21-1, X.ii.6.A (Evaluating and Rating Competency)
* M21-1, X.ii.6.B.1 (General Information on a Child’s Permanent Incapacity for Self-Support)
* M21-1, XI.ii.3.D (Rating Accrued Claims)
* M21-1, XII.i.1.B (Common Dependency and Indemnity Compensation (DIC) Processing Issues
* M21-1, XII.i.2.A (Ratings for Dependency and Indemnity Compensation DIC)
* M21-1, XII.i.2.B.1.b. (Evidence on Which to Base A&A and Housebound Determinations)
* M21-1, XII.i.2.B.1.c. (When a Rating Decision is Required)
* M21-1, XII.i.2.B.2.c. (Authorizing A&A Without a Rating Decision)
 |

Determine Whether the Surviving Spouse, Dependent Child, or Parent Meets the Eligibility Criteria for DIC

| Reference Type | Reference Name  |
| --- | --- |
| Lesson | Phase 5, Part 1(d), Lesson 28: *Determine Eligibility for DIC and Parents’ DIC* |
| Job Aids | * **Dependency Eligibility Requirements** job aid
* **Dependency Eligibility: Spouse** job aid
* **DIC Eligibility Requirements** job aid
* **Parents’ DIC Eligibility Requirements** job aid
* **Ready to Rate** job aid
 |
| 38 CFR and M21-1 Manual | * 38 U.S.C. 1151 (Benefits for Persons Disabled by Treatment or Vocational Rehabilitation)
* 38 U.S.C. 1310 (Deaths Entitling Survivors to Dependency and Indemnity Compensation)
* 38 U.S.C. 1311(a)(2) (Dependency and Indemnity Compensation to a Surviving Spouse)
* 38 U.S.C. 1318 (Benefits for Survivors of Certain Veterans Rated Totally Disabled at Time of Death)
* 38 CFR 3.5 (Dependency and Indemnity Compensation)
* 38 CFR 3.10 (Dependency and Indemnity Compensation Rate for a Surviving Spouse)
* 38 CFR 3.22 (DIC Benefits for Survivors of Certain Veterans Rated Totally Disabled at Time of Death)
* 38 CFR 3.211 (Death)
* 38 CFR 3.358 (Compensation for Disability or Death from Hospitalization, Medical or Surgical Treatment, Examinations or Vocational Rehabilitation Training)
* 38 CFR 3.702 (Dependency and Indemnity Compensation)
* M21-1 VII.i.2.D (Establishing Marital Relationships in Survivors Cases)
* M21-1 VII.i.2.E.13 (Remarriage of a Surviving Spouse)
* M21-1 VII.i.4.A. (Establishing Parental Relationship)
* 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’ Dependency and Indemnity Compensation (DIC) Authorization)
* M21-1 XII.i.1.A. (Overview of Dependency and Indemnity Compensation (DIC)
* M21-1 XII.i.2 (Dependency and Indemnity Compensation (DIC) Ratings)
* M21-1 XII.i.4.B.1.a (Additional Allowance if Veteran was Totally Disabled for Eight Years)
 |

Determine Eligibility for Substitution

| Reference Type | Reference Name  |
| --- | --- |
| Lesson | Phase 5, Part 1(d), Lesson 29: *Determine Substitution Eligibility* |
| Job Aids | **Determine Substitution Eligibility job aid** |
| 38 CFR and M21-1 Manual | * 38 USC 5121A, Substitution in Case of Death of Claimant
* 38 CFR 3.1000 (Entitlement under 38 U.S.C. 5121 to benefits due and unpaid upon death of a beneficiary)
* M21-1 XI ii.3 (Definition: Accrued Benefits)
* M21-1 XI.ii.3.A.2.a. (Definition: Claim Pending at the Date of Death)
* M21-1 XI.ii.3.B.1.a. (Definition: Substitution in Case of Death of Claimant)
* M21-1 XI.ii.3.B.1.b. (Definition: Original Claimant)
* M21-1 XI.ii.3.B.1.c. (Definition: Substitute Claimant)
* M21-1 XI.ii.3.B.2.b. (Definition: Categories of Eligible Persons)
* M21-1 XI.ii.3.C.3.b. (Definition: Evidence Needed to Complete the Request to Substitute)
* M21-1 XI.ii.3.A.4.b. Definition: (Evidence in the File at the Date of Death)
* M21-1 XI.ii.3.A.4.c. (Definition: Evidence in VA’s Possession)
* M21-1 XI.ii.3.A.5.f. (Evidence Requirements)
* M21-1 XI.ii.3.C.1.b. (Applications for a Request to Substitute)
* M21-1 XI.ii.3.C.4.a. (When Development, Including the 5103 Notice, Is Required)
* M21-1 XI.ii.3.C.4.b. (When Development, Including the Section 5103 Notice, Is Not Required)
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