



PENSION AND FIDUCIARY SERVICE

PMC VSR Advanced Core Course
Phase 5: Stages of a Claim
Part 2: Process a Claim

Lesson 1: Overview of the Development Process

Appendix B

July 11, 2017

Version 1.0

Lesson 1: Developing for Missing Information/Evidence
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Sample Development Letter with 5103 Notice

DEPARTMENT OF VETERANS AFFAIRS
Pension Management Center

MRS. ANNA SMITH
2387 Aubrey Lane
Storybrooke, MN 33456

In reply, refer to:
310/PMC/S1
File Number: TRA123567
John Smith

IMPORTANT -- reply needed

Dear Mrs. Smith:

We are working on your claim for Death Pension Benefits.

This letter tells you what we will do with your claim and what you can do to help us. Please read the enclosure to this letter entitled, "Veteran Claims Assistance Act (VCAA)." The enclosure explains how we obtain evidence related to your claim and the legal requirements for supporting your claim.

What Do We Still Need from You?

We need additional evidence from you. *Please put your VA file number on the first page of every document you send us.*

- Please send us the death certificate for John Smith showing the cause of death.
- **We have enclosed a "VCAA Notice Response." We encourage you to return this document, as it may expedite a decision on your claim.**

How Should You Submit What We Need?

Please note that the quickest, easiest, and most secure way to submit any documents to us is via the eBenefits website. Just visit www.eBenefits.va.gov to register. Please also refer to the 'What is eBenefits?' section of this letter for more information.

You can send what we need to the appropriate address listed on the attached Where to Send Your Written Correspondence chart.

How Soon Should You Send What We Need?

- We strongly encourage you to send any information or evidence as soon as you can. If we do not hear from you, we may make a decision on your claim after 30 days. However, you have up to one year from the date of this letter to submit the information and evidence necessary to support your claim. If we decide your claim before one year from the date of this letter, you will still have the remainder of the one-year period to submit additional information or evidence necessary to support your claim.

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What is eBenefits?

eBenefits provides electronic resources in a self-service environment to Servicemembers, Veterans, and their families. Use of these resources often helps us serve you faster! Through the eBenefits website you can:

- Submit claims for benefits and/or upload documents directly to the VA
- Request to add or change your dependents
- Update your contact and direct deposit information and view payment history
- Request a Veterans Service Officer to represent you
- Track the status of your claim or appeal
- Obtain verification of military service, civil service preference, or VA benefits
- And much more!

Enrolling in eBenefits is easy. Just visit www.eBenefits.va.gov for more information. If you submit a claim in the future, consider filing through eBenefits. Filing electronically, especially if you participate in our fully developed claim program, may result in a faster decision than if you submit your claim through the mail.

How Can You Contact Us?

If you are looking for general information about benefits and eligibility, you should visit our web site at <http://www.va.gov>. Otherwise, you can contact us in several ways. Please give us your VA file number, **TRA123567**, when you do contact us.

- Call us at 1-877-294-6380. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711 (international number is 1-800-829-4833).
- Send us an inquiry using the Internet at <https://iris.va.gov>.
- Write to us at the address at the top of this letter.

We look forward to resolving your claim in a fair and timely manner. We have also enclosed information on how Veterans' Service Organizations can help you.

Sincerely yours,

RO Director

RO Director
VA Regional Office

Enclosure(s) Veterans Claims Assistance Act (VCAA)
 Veterans' Service Organization Information
 5103 Notice Response
 What the Evidence Must Show - All Death Benefits
 Where to Send Your Written Correspondence

Veterans Claims Assistance Act (VCAA)

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What the Evidence Must Show for Death Benefits

To support a claim for Dependency and Indemnity Compensation (DIC) benefits based on a service-connected disability established during the veteran's lifetime, the evidence must show:

- The veteran died while on active military service; **OR**
- The veteran had a service-connected disability(ies) that was either the principal or contributory cause of the veteran's death; **OR**
- The veteran died from a nonservice-connected injury or disease **AND** was receiving, or entitled to receive, VA compensation for a service-connected disability rated totally disabling
 - ⇒ For at least 10 years immediately before death; **OR**
 - ⇒ For at least 5 years after the veteran's release from active duty preceding death; **OR**
 - ⇒ For at least 1 year before death, if the veteran was a former prisoner of war who died after September 30, 1999.

To support a claim for DIC benefits based on a disability that was not service connected or for which the veteran did not file a claim during his or her lifetime, the evidence must show:

- An injury or disease that was incurred or aggravated during active military service, or an event in service that caused an injury or disease; **AND**
- A physical or mental disability that was either the principle or contributory cause of death. This may be shown by medical evidence or by lay evidence of persistent and recurrent symptoms of disability that were visible or observable; **AND**
- A relationship between the disability associated with the cause of death and an injury, disease, or event in military service. Medical records or medical opinions are generally required to establish this relationship.

To support your claim for death pension benefits, the evidence must show:

1. The veteran met certain minimum requirements regarding active military service during a period of war. Generally, those requirements involve:
 - 90 days of consecutive service, at least one day of which was during a period of war; **OR**
 - 90 days of combined service during at least one period of war;

(Note: If the veteran's service began after September 7, 1980, additional length-of-service requirements may apply, typically requiring two years of continuous service or completion of active-duty obligations.)

OR, any length of active military service during a period of war when:

- At the time of death, the veteran was receiving (or entitled to receive) VA disability compensation, or retirement pay for a service-connected disability; **OR**
- The veteran was discharged from active military service due to a service-connected disability.

2. Your net worth and income do not exceed certain requirements

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To support your claim for accrued benefits, the evidence must show:

- Benefits were due the veteran based on existing ratings, decisions, or evidence in VA's possession at the time of death, but the benefits were not paid before the veteran's death;
AND
- You are the surviving spouse, child, or dependent parent of the deceased veteran.

VA pays accrued benefits in the following order of priority:

1. Spouse
2. Children of the veteran (in equal shares)
3. Dependent parents (in equal shares)

VA is Responsible for Getting the Following Evidence:

- Relevant records that you adequately identify and authorize VA to obtain from any Federal agency. These may include records from the military, VA medical centers (including private facilities where VA authorized treatment), or the Social Security Administration.
- VA will provide a medical examination for you, or get a medical opinion, if we determine it is necessary to decide your compensation claim.

On Your Behalf, VA Will Make Reasonable Efforts to Get the Following Evidence:

Relevant records not held by a Federal agency that you adequately identify and authorize VA to obtain. These may include records from State or local governments, private doctors and hospitals, or current or former employers.

How Can You Help: If you have any information or evidence that you have not previously told us about or given to us, please tell us or give us that evidence now. If the evidence is not in your possession, you must give us enough information about the evidence so that we can request it from the person or agency that has it. If the holder of the evidence declines to give it to us, asks for a fee to provide it, or VA otherwise cannot get the evidence, we will notify you. *It is your responsibility to make sure we receive all requested records that are not in the possession of a Federal department or agency.*

How VA Determines the Effective Date: If we grant a claim for death benefits, the beginning date of your entitlement will generally be based on when we received your claim. However, if VA received your claim within one year of the date of the veteran's death, entitlement will be from the first day of the month in which the veteran died.

The veteran's death certificate is evidence relevant to determining the effective date of any benefits we award.

Higher levels of benefits are available for a veteran's surviving spouse and/or parents who are unable to perform certain activities of daily living or leave their home. Higher levels of benefits may be effective from the date medical evidence first establishes entitlement.

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What Are Veterans Service Organizations and How Can They Help You?

- Veterans Service Organizations (VSOs) are not part of VA. VSOs are recognized national and state organizations that help veterans and their dependents and survivors with their claims. These services are provided without charge.
- VSOs can help you with questions about your claim. They can also act on your behalf regarding your claim with VA. Ask your VA representative or a VSO for more specific information about what VSOs do.

What Is an Example of a VSO?

Below is a list of recognized national organizations that can assist with your claim. Other recognized state and local organizations can also help you. A more complete list of recognized VSOs can be found at <http://www.va.gov/vso>.

American Legion American Red Cross AMVETS	Disabled American Veterans Marine Corps League Military Order of the Purple Heart	Paralyzed Veterans of America, Inc. Veterans of Foreign Wars of the US Vietnam Veterans of America
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How Can You Contact a VSO?

To contact a particular VSO, consult your local telephone book.

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VCAA NOTICE RESPONSE

Date of Claim: 02/02/2016

We provided a notice to you about the evidence and information VA needs to support your claim for benefits. At this time, you may choose to indicate whether you intend to submit additional information or evidence that would help support your claim.

Your signed response will let us know whether to decide your claim without waiting 30 days, or whether we should give you the full 30 days from the date of the letter sent with this notice response before deciding your claim.

Your signature on this response will not affect:

- Whether or not you are entitled to VA benefits;
- The amount of benefits to which you may be entitled;
- The assistance VA will provide you in obtaining evidence to support your claim; or
- The date any benefits will begin if your claim is granted.

RESPONSE

I elect *one* of the following: (Whichever box you check, you have one year from the date of the notice to give VA any other information or evidence you think will support your claim.)

I have enclosed all the remaining information or evidence that will support my claim, or I have no other information or evidence to give VA to support my claim. Please decide my claim as soon as possible.

I will send more information or evidence to VA to support my claim. VA will wait the full 30 days from the date of the letter sent with this notice response before deciding my claim.

Claimant/Representative Signature

Date