

**PMC Decision Notices Tip Sheet**

**NOTE: This tip sheet is NOT ALL-INCLUSIVE. It is only a basic guide highlighting possible scenarios to consider when drafting decision notices. Other available tools include job aids such as:** [**Prepare the Decision Notification Guidance**](https://epss.vba.va.gov/vsr_assistant/pmc_vsr/pdfs/ja_decnot.pdf#zoom=100) **and** [**Notification Language**](https://epss.vba.va.gov/vsr_assistant/pmc_vsr/pdfs/ja_notification.pdf#zoom=100)**. However, adjudicators are advised to always use the** [**CPKM**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/topic/554400000003061/M21-1-Adjudication-Procedures-Manual) **for all guidance.**

| **Element(s) Involved** | **Things to Possibly Consider/Other Tips** | **Y/N**  | **What’s Needed in the Notice/Action to Take** |
| --- | --- | --- | --- |
| **Service Verified – See the Appendix for Qualifying Service**(see [38 CFR 3.1](https://www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFRf5fe31f49d4f511/section-3.1), [38 CFR. 3.2](https://www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFRf5fe31f49d4f511/section-3.23)., [38 CFR 3.6](https://www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFRf5fe31f49d4f511/section-3.6) and [38 CFR 3.7](https://www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFRf5fe31f49d4f511/section-3.7)); [M21-1 III.i.1.A Establishing Veteran Status)](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000181424/M21-1-Part-III-Subpart-i-Chapter-1-Section-A-Establishing-Veteran-Status);[M21-1 X.v.1.C (Administrative Decisions)](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000177999/M21-1-Part-X-Subpart-v-Chapter-1-Section-C-Administrative-Decisions); also **see** [Appendix for *Periods of War*](#PeriodsofWar)) | Is the qualifying service met?* *Service dates verified*
* *COD verified*
 |  | *When qualifying service cannot be verified in a claim for DIC, complete an administrative decision before administrative denial of the claim* |
| Is an administrative decision needed based on qualifying service?* *Determining a claim for DIC* ***and*** *the claimant hasn’t performed a qualifying service to include:*
* *Active service*
* *ADT*
* *IADT*
* *Service cannot be verified*
 |  |
| Is a denial for a Veterans or Survivors Pension claim due to the lack of qualifying service needed?* *Determined lack of qualifying service due to:*
	+ *Service can’t be verified*
	+ *Veteran served pre-Gulf War and has less than 90 days of active duty*
	+ *Veteran served during the Gulf War period and has less than 24 consecutive months of active duty****and*** *did not fulfill the full period to which the individual was called*
	+ *the Veteran has ADT or IADT only*
 |  | ***Include in the decision notification:**** *an explanation to the claimant that they do not meet the service requirements for Veterans and/or Survivors Pension*
 |
| Was it determined that SC cannot be established based on death resulting from injury or disease claimed to have occurred in the line of duty during a period of ADT and IADT? |  | ***Include in the decision notification*** *an explanation that:** *the evidence does not show that the claimed death is a result of injury or disease incurred or aggravated in the line of duty during the period of ADT,* ***or***
* *that the evidence does not show that the claimed death is the result of injury incurred or aggravated in the line of duty or that a myocardial infarction, cardiovascular arrest, or cerebrovascular accident occurred during a period of IADT service*
* *include the criteria necessary to establish SC for disability or death based on ADT or IADT service*
 |
| **Unacceptable Forms of Evidence** (see [M21-1 III.i.1.B.3 (Forms of Evidence for Verification of Service and COD)](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000181425/M21-1-Part-III-Subpart-i-Chapter-1-Section-B-Service-Requirements-and-Verification-of-Eligibility#3) | Did the claimant submit evidence of service that cannot be accepted and military service that cannot be verified by other methods? |  | ***Include in the denial notice*** *statements that:** *attempts to verify service*
* *describe the acceptable forms of evidence,* ***and***
* *furnish notice of decision review rights*
 |
| **Duty to Notify (Handling a 5103 notice)** **see** [**38 USC 5103**](https://www.law.cornell.edu/uscode/text/38/5103) | Have you determined that the claimant already received the Section 5103 notice due to a standard EZ application form when the claim was filed through the Fully Developed Claim (FDC) Program, **OR** a claim through the standard claims process, through online claims submission via VA claims submission service websites* when an automated Section 5103 notice is generated during the establishment of the end product (EP), via VBMS, **OR**
* when, on [*VA Form 20-0995, Decision Review Request:  Supplemental Claim*](http://www.vba.va.gov/pubs/forms/VBA-20-0995-ARE.pdf), the claimant certifies receipt of notice under Section 5103 via electronic review
 |  | ***if no****,** *Section 5103 notice letter if one of the methods were not utilized in the filing of the claim*
 |
| Have you determined that the 5103 was provided to the claimant but there is a special issue or circumstance requiring additional information to support the claim? |  | ***Include in the notification****:* * *required information to support the claim*
* ***do not*** *include Section 5103 notice*
 |
| Have you determined that the claimant’s power of attorney is providing the sole signature on a non-original claim and both the claim submission is by means other than the Stakeholder Enterprise portal (SEP), and the 5103 notification requirement has not been met? |  | *issue an automated Section 5103 notice to the claimant* |
| **Section 5103 notice created in MAP-D (see** [38 CFR 3.159 – Department of Veterans Affairs Assistance in Developing Claims;](https://www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFR7629a1b1e9bf6f8/section-3.159)[M21-1 III.i.2.B - Duty to Notify Under 38 USC 5103](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014101/M21-1-Part-III-Subpart-i-Chapter-2-Section-B-Duty-to-Notify-Under-38-USC-5103)**)** | Did you create the 5103 notice in MAP-D? |  | * ***remove*** *the “What Have We Received” paragraph*
* ***do not include*** *the claimed conditions (contentions) in the Section 5103 notice letter*
* *to document VA’s compliance with* [*38 U.S.C. 5103*](https://www.law.cornell.edu/uscode/text/38/5103)*, ensure a copy of any Section 5103 notice, along with enclosures, is included in the claims folder*
 |
| Have you determined that the 5103 notice is not warranted because of one of the following reasons?* *upon receipt of a supplemental claim within one year of the date VA issues notice of a prior decision*
* *upon receipt of a request for higher-level review under* [*38 CFR 3.2601*](https://www.ecfr.gov/cgi-bin/text-idx?SID=3967d2b525436657ad0fad655ff65e9c&mc=true&node=se38.1.3_12601&rgn=div8)*, or*
* *where the evidence of record (to include VA medical center records available electronically) is sufficient to substantiate a claim and award the maximum benefit sought without undertaking development for additional evidence*
 |  | *Do not provide a claimant Section 5103 notice.* |
| Have you determined that the need to send a 5103 notice cannot be eliminated based on the ability to grant the maximum benefit sought? |  | *Send a 5103 notice if* any *development is necessary (including a request for an examination).* |
| Did the claimant submit a subsequent claim while a previous claim is/was still pending? |  | *If the previous notice sufficiently identified the information and evidence necessary to substantiate such subsequent claim(s), a* ***new 5103 notice is not required.******If the Section 5103 is over a year:****Send a Section 5103 notice if* ***over one year*** *has passed since the notice was sent* and a subsequent claim(s) is received.* *If the previous notice did not include the information and evidence necessary to substantiate the current claim,* ***include in the notice****:*
* *send a Section 5103 notice that specifically addresses the new claim type, and*
* *provide the following statement in the notice: “We are continuing to work on your previous claim(s) and have received your additional claim(s). Our previous letter(s) provided you with sufficient information regarding the evidence needed to support your claim, as well as what VA will do.”*
 |
| **Incomplete Application** (**see** [M21-1 II.iii.1.C – Screening Applications for Substantial Completeness and Notification Requirements](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000174872/M21-1-Part-II-Subpart-iii-Chapter-1-Section-C-Screening-Applications-for-Substantial-Completeness-and-Notification-Requirements)) | Did the claimant submit an incomplete application for benefits? |  | *if yes;* ***Include in the notification**** *information necessary to complete the application,* ***and***
* *a statement that VA will defer assistance until he/she submits this information*

***NOTE****: Use* [VA Form 21P-8416b*,* Report of Medical, Legal, and Other Expenses Incident to Recovery for Injury or Death](http://www.vba.va.gov/pubs/forms/VBA-21P-8416b-ARE.pdf)*, to develop amounts claimants actually paid during the calendar year for which the claimant has not been (and will not be) reimbursed by insurance or another agency.* |
| **Requests for Evidence****(see** [M21-1 III.i.2.D – Evidence Requested from the Claimant](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000033257/M21-1-Part-III-Subpart-i-Chapter-2-Section-D-Evidence-Requested-From-the-Claimant)**)** | Is a request for additional evidence needed? |  | *use available automated tools to generate letter text****Include in the notification:**** *Specify a time limit of 30 days to submit evidence*
* *Advise the claimant that if the evidence is not received within 30 days, VA may decide the claim based on the evidence of record, and*
* *Inform the claimant that they have one year from the date of VA's request to submit evidence or information to substantiate the claim*
 |
| **Clarification of Issues Claim** | Was the claimant clear on the issues/benefits sought? |  | *Whenever the issue claimed is not clearly identified, ask the claimant and authorized representative for clarification to ensure appropriate development and accurate decision-making.* |
| **Development by Telephone****(see** [38 CFR 3.217 – Submission of Statements or Information Affecting Entitlement to Benefits](https://www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFRdc46cfd3b31f77a/section-3.217); [M21-1 III.i.2.D – Evidence Requested from the Claimant](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000033257/M21-1-Part-III-Subpart-i-Chapter-2-Section-D-Evidence-Requested-From-the-Claimant)**)** | Was development completed via telephone? |  | Following telephone contact, the employee must document the call by summarizing it on [VA Form 27-0820](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-27-0820-ARE.pdf) Report of General Information.***Include in the notification summary****:** *specific information or statement the caller provided*
* *date of the call*
* *identity of the caller*
* *steps taken to verify the caller’s identity as either the beneficiary or fiduciary*
* *confirmation the employee informed the caller that VA would use the information or statement they provided for the purpose of calculating benefits, and*
* *clear identification of the employee executing the* [*VA Form 27-0820*](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-27-0820-ARE.pdf)*, Report of General Information*
 |
| **Telephone Development: Decision Notices** | Was information received via telephone (development, income, medical expenses, etc.)? |  | *In the decision notice,* ***include the following information in the letter****:** *reference to evidence received by telephone*
* *reference to evidence received by telephone used to determine entitlement*
* *reference to the date of telephone contact, and*
* *name of the individual who provided the information*
* *If a documented call on* [VA Form 27-0820b, Report of Nursing Home or Assisted Living Information](http://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-27-0820b-ARE.pdf) *is used to verify expenses, the decision notice to the claimant must make reference to the call. (see M21-1 IX.iii.1.G.4.l for example of contemporaneous notice and due process notices regarding medical expenses).*

***EXAMPLE****:* *Our decision was based on the following:** *Our telephone conversation with Jerry Veteran, on February 7th, 2023, in which you informed us that your income increased from $600 per month to $1200 per month.*
* *Our telephone conversation with Jerry Veteran, on February 8th, 2023, informing us that your spouse is now deceased.*
 |
| **Buddy Statements** (**see** [M21-1 III.i.2.A.1.f. – Requests for Buddy Statements](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014099/M21-1-Part-III-Subpart-i-Chapter-2-Section-A-Development-Duties-and-Responsibilities?query=and%20buddy%20statements)) | Did the claimant identify someone who knows about disabilities and/or activities? |  | ***Include in the notice****:* * *an explanation that he/she may request the individual provide a buddy statement to support the claim.*

*If creating the letter within the Modern Award Processing – Development (MAP-D) or the Veterans Benefits Management System (VBMS),* * ***Select the submit buddy statement(s) paragraph****.*
* *A* [*VA Form 21-4138, Statement in Support of Claim*](http://www.vba.va.gov/pubs/forms/VBA-21-4138-ARE.pdf)*, or*
* [*VA Form 21-10210, Lay/Witness Statement*](https://www.vba.va.gov/pubs/forms/VBA-21-10210-ARE.pdf)*, may be used to submit this evidence to VA*
 |
| **Decision Notices (see** [M21-1 VI.i.1.B.1 – Notification Requirements](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000179469/M21-1-Part-VI-Subpart-i-Chapter-1-Section-B-Decision-Notices?query=notification%20requirements#1)**)** | Does the decision notice contain all required elements?**EFFECTIVE DATES NOTE:****NOTE**: The **effective date** or **entitlement date** is the date a claimant is entitled to benefits under the existing law without regard to [38 CFR 3.31](https://www.ecfr.gov/cgi-bin/text-idx?SID=0a9fd37e6b8aa36ab0e5b8daf48d45e7&mc=true&node=se38.1.3_131&rgn=div8).* Generally, the effective date for an original or new pension PDIC award is the date of receipt of the initial claim per [38 CFR 3.400](http://www.ecfr.gov/cgi-bin/text-idx?SID=ed44fb8f826c2e73b1676e2c4cdbb87a&node=se38.1.3_1400&rgn=div8).
* A pension award may be retroactive for up to one year prior to the date of receipt of the initial claim, but not earlier than the date of P&T disability **IF** the Veteran files a claim for a retroactive award within one year from the date of P&T disability, **and/or** the Veteran was prevented from applying for pension by a disability, **and/or** the disability prevented the Veteran from filing the initial pension claim for at least the first 30 days immediately following the date the P&T disability was acquired
* If a Veteran’s spouse dies or the Veteran’s marriage ends in divorce, or annulment, and a decreased rate of pension or loss of entitlement would result, reduce or discontinue the award as of the first day of the month following the month during which the death, divorce, or annulment occurs under [38 CFR 3.500(g)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=67ee8eeb2697176060a55d5f25338597&mc=true&node=se38.1.3_1500&rgn=div8) and [38 CFR 3.501(d)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=412b7a2070e21fb737d791a3516a5e1f&mc=true&r=SECTION&n=se38.1.3_1501).
	+ When reducing or discontinuing benefits, pay through the effective date shown in 38 CFR Part 3, and reduce or discontinue benefits as of the next day
* If a child dies or marries, reduce or discontinue the parent’s running or suspended award effective the first day of the month following the month of death or marriage.  However, if the child was scheduled to go off the award from an earlier date, use the previously scheduled removal date, under [38 CFR 3.500(g)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=63b3180e7abe7ca5baae488af2deee1b&mc=true&node=se38.1.3_1500&rgn=div8) and [38 CFR 3.500(n)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=63b3180e7abe7ca5baae488af2deee1b&mc=true&node=se38.1.3_1500&rgn=div8).
* If a dependent is lost after the date of entitlement to additional benefits for the new dependent, but prior to award action to add the dependent, remove the dependent from the award effective the actual date of loss. (see M21-1 IX.iii.1.F.3.i).

**PAYMENT DATE NOTE:****NOTE**: The **payment date** is the date an award is effective after application of [38 CFR 3.31](https://www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFRf5fe31f49d4f511/section-3.31)* If the beneficiary receives recurring Social Security income, count the post-COLA Social Security rate from the effective date of the COLA.
 |  | * *The claimant or beneficiary and his or her representative MUST be notified in writing of decisions affecting the payment of benefits or granting of relief.*
* ***Written notification must include*** *in* ***the notice letter or enclosures or a combination*** *thereof, and all the following elements:*
* *Identification of all issues adjudicated*
* *Effective date of entitlement if granting a benefit*
* *Monthly rates of payment and effective dates if granting (initial award or subsequent award that modifies payment)*
* *A complete summary of evidence considered (e.g., information received via phone to include individual who provided the information, the date of the call, the information received)*
* *A listing of findings made by the adjudicator that are favorable to the claimant under 38 CFR 3.104 (c)*
* *If the claim was denied: include an explanation that identifies elements required to grant the claim*
* *When applicable, criteria for the next higher-level*
* *Explanation of how to obtain or access evidence used in making the decision*
* *A summary of applicable review options for further review*
* *Applicable enclosures*
 |
| **Expiration of 30-day** | Did the claimant fail to provide all of the requested evidence by the end of the 30-day time limit, **and** the evidence of record fails to support an award of the remainder of the benefits the claimant is seeking? |  | *Process the denial in the appropriate system and* ***include in the notice****:** *summary of evidence used to make the decision*
* *applicable laws and regulations*
* *applicable review options the claimant can use to seek further review*
* *elements required to grant the claim*
* *applicable enclosures*
 |
| **Adjustments or Running Award**  | Are you granting entitlement to a benefit or making adjustments on a running award? |  | ***Include in the notice:**** *summary of evidence used to make the decision*
* *the monthly rate of payment*
* *the effective dates of entitlement and payment*
* *applicable laws and regulations*
* *applicable review options the claimant can use to seek further review*
* *elements required to grant the claim*
* *a listing of findings that are favorable in accordance with 38 CFR 3.104(c)*
* *applicable enclosures*

***NOTE****: Adjustments of benefits, such as for receipt of drill pay or incarceration, unassociated with an active claim for disability compensation, pension, death benefits, or dependency, does not require a listing of findings that are favorable to the claimant under* [*38 CFR 3.104(c)*](https://www.ecfr.gov/cgi-bin/text-idx?SID=ff00394d750193f98af021aba4ea7659&mc=true&node=se38.1.3_1104&rgn=div8)*.* |
| **COLA** | Is COLA applicable?**NOTE**: If a Social Security COLA adjustment results in a decrease in the rate of current-law pension, decrease the pension rate effective the first of the month after the effective date of the COLA/MAPR increase.* if deductible expenses for the calendar year associated with the COLA are projected to increase, then carry forward the previous year’s pension payment rate until February 1.
* if a VA beneficiary receives additional income because of a COLA in a benefit program other than Social Security, then the general rule for counting recurring income applies
	+ Count the additional income from the first of the month after the month during which it is received
 |  | ***Include in the notice:**** ***if adjust results in reduction of a running award:*** *issue due process and do not adjust the award until 60 days after due process expires, unless the beneficiary requests otherwise*
 |
| **Deferments in Pension (see** [M21-1 IX.iii.1.A.2.a. – Deferments in Pension Cases](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000177516/M21-1-Part-IX-Subpart-iii-Chapter-1-Section-A-General-Information-on-the-Effect-Income-and-Net-Worth-Have-on-Pension-and-Parents-Dependency-and-Indemnity-Compensation-DIC?query=deferments%20in%20pension#2a); [M21-1 IX.iii.1.A.2.b. Handling a Deferment in Pension Cases](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000177516/M21-1-Part-IX-Subpart-iii-Chapter-1-Section-A-General-Information-on-the-Effect-Income-and-Net-Worth-Have-on-Pension-and-Parents-Dependency-and-Indemnity-Compensation-DIC?query=deferments%20in%20pension#2b)**)** | Does the pension case require a deferment and it was determined that the award is paid at the lowest rate justified by the evidence of record? |  | * ***Close the pending EP***
* ***Include in the decision notice:***
	+ *the assumptions on which the award is based*
	+ *the time limits to amended income information*
 |
| **End of the Month Rule** | Does the end-of-the-month rule apply?**IMPORTANT**: The end-of-month rule for removing dependents applies only to running awards, per [38 CFR 3.660(a)(2](http://www.ecfr.gov/cgi-bin/text-idx?SID=63b3180e7abe7ca5baae488af2deee1b&mc=true&node=se38.1.3_1660&rgn=div8)).* If the **loss of a dependent** causes an increase in monthly benefits, delay the removal of the dependent until the first of the month following the date of the event.

**IMPORTANT**: The end-of-the-month rule applies only when an identifiable date of **receipt of income or increased income** can be determined. **NOTE**: If a **spouse** who physically lives apart for reasons related to marital discord ceases to be a dependent because the Veteran stops making reasonable contributions to the spouse’s support, remove the spouse (reduce or discontinue the award) as of the day after the date the Veteran made the last contribution to the support of the spouse who physically lives apart for reasons related to marital discord.  Do not apply the end-of-the-month rule**NOTE**: Apply the end-of-the-month rule when reducing or discontinuing an award if a **parent** receives an additional amount of retirement income solely as the result of a legislated increase or COLA and not by reason of a change in the amount waived. If the end-of-the-month rule applies to a reduction because the spouse was lost due to death, divorce, or annulment, remove the spouse’s income effective the first day of the month after the event. **HOWEVER, IF** the loss is due to separation, the end-of-month rule does not apply.  Remove the spouse’s income the date of the separation.**NOTE**: If a **child** who is out of the custody of a Veteran ceases to be a dependent because the Veteran stops making reasonable contributions to the child’s support, remove the child from the award as of the day after the date the Veteran made the last contribution to the support of the child. Do not apply the end-of-the-month rule.**NOTE**: If the **Social Security COLA** does not reduce the rate of current-law pension, count the increased rate of Social Security from the effective date of the COLA (generally December 1).  This is an exception to the general end-of-the-month rule that increased income is counted from the first day of the month after the month during which it is received. |  | *If development does not reveal the date the income was received* ***include in the notice actions taken, that informs the claimant that VA*** * *counted**the new or increased income from the beginning of the calendar year during which it was received*

**NOTE**: Do not develop for the dates of increases in this type of income. |
| **Excess Income** | Does the income exceed the MAPR or income limit? |  | ***Include in the notice:**** *evidence considered in reaching the decision*
* *reason for the denial*
* *favorable findings related to the claim*
* *right to request a review of the decision by submitting amended income information along with a supplemental claim request*
* *appropriate time limits for submission of the amended income information, and*
* *right to seek a review of the decision*
 |
| **Income of Dependents** | **NOTE**: When processing an award that adds a child, prepare award lines to show future changes due to the child’s reaching age 18 or discontinuing approved school attendance. If a child has countable income, recalculate IVAP on the future award lines to exclude each child’s income as he or she goes off the award.1. Can all or part of the child’ income that’s available to the Veteran or surviving spouse’s income be excluded on the basis of the child’s earned income exclusion, post-secondary educational expenses exclusion, or hardship exclusion?
2. Is the income of an unestablished dependent needed?
3. Did the claimant fail to resolve the income of a dependent(s)?

**NOTE**: Do not award benefits in any current-law pension case unless the income of the claimant, and all actual or potential dependents, is of record.1. Is a reallocation applicable?

**NOTE**: If Social Security beneficiaries are receiving the maximum family benefit, there is generally a reallocation of benefits when a member of the family loses entitlement.  The total benefit is usually reallocated equally to the remaining family members. |  | *If evidence necessary to establish a dependent has not been submitted within the control period, determine the claimant’s MAPR without consideration of the claimed dependent,* ***include in the notice****:** *the decision to count the clamed but unestablished dependent’s income*

***Included in the notice*** *when counting the income of an unestablished dependent is:** *an explanation of the basis for the award*
* *the invitation both a supplemental claim*
* *the evidence necessary to establish the dependent(s), and*
* *a statement that VA will adjust the award if the required evidence is submitted*

*If the claimant’s or beneficiary’s income exceeds the MAPR, deny the claim or discontinue the award including the unestablished dependent’s income, but**excluding the additional amount for the unestablished dependent.* ***ENCLOSURE(s):*** *Use* [*VA Form 21P-0571, Application for Exclusion of Children’s Income*](http://www.vba.va.gov/pubs/forms/VBA-21-0571-ARE.pdf)*, for developing availability of dependent children’s income.* |
| *If the claimant fails to furnish the income of the claimant, and all actual or potential dependents, deny the claim for failure to furnish requested evidence* ***and include in the notice****:** *VA’s decision to deny for failure to furnish the requested evidence*
* *a statement that the dependent could not be added*
* *information required to add the dependent*
* *a statement informing the claimant to notify VA if there are any changes in the dependent’s income or net worth*
 |
| *When the initial award is made reallocating dependents’ income,* ***include in the notice*** *to the beneficiary the following statements:**“*Your records show that you have dependents in receipt of Social Security benefits.  In an effort to avoid an overpayment of VA benefits, we are projecting that your Social Security family benefit will not decrease as each child is removed from your award.  You must notify us of any and all changes in the Social Security rates for members of your family by furnishing a statement from the Social Security Administration showing the change in your Social Security benefit when a child is no longer on their record.  We will then adjust your VA benefit accordingly and award any retroactive amount due.” |
| **Initial 12 Months of Income for Disallowed Claims** | Have you applied the corollary of the rule that all income must be counted for 12 months on pension awards as income that bars payment of pension must be considered for a full 12 months from the first day of the month after the effective date? |  | ***Include in the notice:**** *In the initial denial letter, inform the surviving spouse of the (****Insert Date****), time limit to claim unreimbursed medical expenses to establish entitlement from (****Insert Date****)*
 |
| **Lump-Sum SSA payment** | Have you checked for the lump-sum Social Security Death Benefit (SSDB)?**NOTE**: SSDB is countable income: $255 |  | * *Assume the claimant received the lump sum benefit if the deceased spouse was in receipt of SS benefits*
* *Assume the claimant was living in the same household as the deceased spouse*

***INCLUDE IN THE NOTICE:*** * *The assumptions made by the VA*
 |
| **Monthly Rate Less $19** | Is the monthly rate less than $19? |  | * *Use PCGL*
* ***Include in the notice:***

*“*Under the current-law pension program, the maximum annual pension rate for a person in your circumstances is **[insert applicable maximum annual pension rate]**.  This amount is reduced by your income for VA purposes.  Because your income for VA purposes is **[insert IVAP]**, you are entitled to pension at the annual rate of **[insert rate]** effective **[insert date]**.  If the annual amount of pension payable is less than $228, it is paid either quarterly, semiannually or annually.  In your case, you will receive a check on or about **[insert date]** for the amount due for the period **[insert date]** through **[insert date]**.  Thereafter, you will be paid **[once/twice/four times]** a year on or about **[insert date]**.” |
| **Parents’ DIC (PDIC)** | Is a decision notice needed for PDIC?**PAYMENT DATE NOTE:****NOTE**: Generally, original and new awards should *not* provide for a future commencing date.  However, award action may be taken to provide for a payment date as of the first day of the next year, if the evidence establishes* non-entitlement for the current (received) year because of excessive income, **and**
* entitlement for the next calendar year based on anticipated (reduced) income for the next calendar year
* DIC parent can amend an income report any time within the calendar year for which income is received or the following calendar year
 |  | ***See the block on “Excess Income” also if applicable.******Include in the notice:**** *rate tables, and*
* *information about the claimant’s income and medical expenses*
* ***if recurring medical expenses allowed include in the notice:***
	+ *statement(s) of the basis of the award*
	+ *statement(s) indicating that failure to report a reduction in unreimbursed expenses will result in an overpayment*
	+ *statement(s) indicating that failure to report an increase in income will result in overpayment*
* ***if recurring medical expenses disallowed include in the notice:***
	+ *statement of the basis of the disallowance*
	+ *statement that VA will consider all reported actual medical expenses at the end of the reporting period if the claimant submits VA Form 21P-8416 verifying expenses paid*
	+ *include VA Form 21P-8416 with the notification*

***NOTE****:* Income determinations for PDIC are always made on a calendar-year basis.  |
| **Prospective Medical Expenses (see** [M21-1 IX.iii.1.D.2.g. – Prospective Medical Expenses](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000177519/M21-1-Part-IX-Subpart-iii-Chapter-1-Section-D-Parents-Dependency-and-Indemnity-Compensation-DIC-Authorization?query=prospective%20medical%20expenses#2g)**)** | Were medical expenses allowed or disallowed? |  | *IF the recurring medical expenses are first allowed* ***include in the notice:**** *informing the claimant of the basis of the award, and*
* *advising that failure to report a reduction in unreimbursed expenses or an increase in income will result in an overpayment*

*IF the recurring medical expenses were disallowed* ***include in the notice:**** *the basis of the disallowance, and*
* *a statement that VA will consider all reported actual medical expenses at the end of the reporting period if the* [*VA Form 21P-8416*](http://www.vba.va.gov/pubs/forms/VBA-21P-8416-ARE.pdf) *is submitted verifying that the expenses have been paid*
 |
| **Provider Proof Needed (see** [M21-1 IX.iii.1.G.5.a. – When to Request Provider Proof](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000177522/M21-1-Part-IX-Subpart-iii-Chapter-1-Section-G-Pension-Deductible-Medical-Expenses?query=provider%20proof%20needed#5a)**)** | Is proof of medical expenses needed or are questionable? |  | * *Print or copy the* [*VA Form 21P-8416*](http://www.vba.va.gov/pubs/forms/VBA-21P-8416-ARE.pdf) *with the questionable expenses*
* *Highlight the medical expense(s) in question*
* *Send the highlighted copy to the claimant with a development letter explaining that a special review of claimed medical expenses is being conducted*
* *Advise the claimant of which specific medical expense are in question*
* *Advise the claimant that receipts and/or other documentation of all highlighted medical expenses are required for the period reported on the* [VA Form 21P-8416](http://www.vba.va.gov/pubs/forms/VBA-21P-8416-ARE.pdf)
* *Advise the claimant that documents submitted to VA become a part of the permanent record and that photocopies should be submitted if the original documents are needed for insurance, tax, or other purposes*
* *Inform the claimant that they must furnish the requested evidence within*
* *30 days if the expense(s) was not already used as a deduction for calculating IVAP, or*
* *60 days if the expense(s) was already used as a deduction for calculating IVAP*
* *Advise the claimant that if the expense was already used VA will remove the expense in question if the requested evidence is not received within the 60 days, and*
* *Provide the proposed pension rates if the expense is excluded from the IVAP due to lack of proof of payment of expense*
* *advise the claimant that the originals will not be returned*

*If the claimant does not respond or does not provide adequate evidence of payment within the time limit provided and the expenses were previously deducted,* ***include in the notice****:** *the adjustment effective as of the beginning of the appropriate initial year or calendar year, or*
* ***if not*** *previously deducted,*
	+ *deny the medical expenses that have not been adequately documented and process the claim*

***IMPORTANT****: Do not remove any expenses that were adequately documented or for which provider proof was not required.* |
| **Reducing VA Pension**  | Was the evidence submitted questionable, incomplete and require a reduction? |  | *If the information could not be obtained via telephone and the new income may reduce benefits, take award action to count the income date last paid (DLP) using end product (EP) 150,* ***include in the notice*** *to the beneficiary:****If the amount of recurring income but the date it started is missing*** *in the notice:** *inform the beneficiary of the income adjustment*
* *establish EP 600, and*
* *send a notice of proposed adverse action*
* *request the date the income was first received*
* *propose to count the income from the first day of the previous 12-month annualization period before the report of the new income, or*
* *the effective date of the award*
* *upon expiration of due process take action to adjust the award as necessary*
* *send notice (see “Complete Notice Checklist”)*

***If the date the income is known, but the amount of the income is missing,*** *clear the EP 150 and establish EP 600 and in the due process notice include:** *request the amount of income*
* *propose to discontinue pension effective the first of month after the date the income was received*
* *upon expiration of due process take action to adjust the award as necessary*
* *send notice (see “Complete Notice Checklist”)*

***If the information received indicates that the income started, but the amount of income or the date it started is missing****, clear the EP 150 and establish EP 600, and in the due process notice include:** *a request for the amount of the income*
* *a request for the date the income was first received*
* *a proposal to discontinue pension the first day of the previous 12-month annualization period preceding the report of the new income, or*
* *the effective date of the award*
* *upon expiration of due process take action to adjust the award as necessary*
* *send notice (see “Complete Notice Checklist”)*
 |
| **Time Limits (see** [38 CFR 3.660 – Dependency, Income and Estate](https://www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFR24d035b1eee2d6f/section-3.660)and[M21-1.IX.iii.1.A.3.m. (Time Limits and Payment Dates for Initial Year and Following 12-month Period for Pension Claims](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000177516/M21-1-Part-IX-Subpart-iii-Chapter-1-Section-A-General-Information-on-the-Effect-Income-and-Net-Worth-Have-on-Pension-and-Parents-Dependency-and-Indemnity-Compensation-DIC#3m)**)** | Are the correct time limits applied?**IMPORTANT**: Evidence adequate to support award action must be date stamped into VA by the critical date, or by the next workday, if the time limit expires on a Saturday, Sunday, or legal holiday.**IMPORTANT**: A pensioner has up to and including the last day of the calendar year that follows the end of the initial year or calendar year period to establish continuing entitlement for the income counting period during which the discontinuance occurred.**IMPORATANT**: Claims for the **NSC burial** allowance must be filed within two years of the date of permanent burial or cremation of the Veteran.There is no time limit for applying for the* SC burial allowance
* NSC burial allowance based upon death while under VA care
* plot or interment allowance, or
* transportation benefit

**IMPORTANT:** If a **Parents’ DIC** claim is initially denied because income exceeds the limit, that has the remainder of the calendar year during which entitlement would have been established, had income not been a bar, plus the next calendar year to furnish evidence establishing entitlement from the original effective date. When income for the initial calendar year is above the limit set by law, the parent can establish entitlement for the following calendar year if satisfactory evidence of entitlement is received within the following calendar year. |  | * ***SAME CALENDAR YEAR:*** *a claimant has the entire calendar year that follows the applicable calendar year (or that follows the year that the initial year ends) to submit satisfactory evidence of entitlement for the calendar year in question*

***Examples:******Initial Year****: If a 65-year-old Veteran files a pension claim received by the PMC on August 10, 2020, the initial year is August 10, 2020, through August 30, 2021.****PDIC denial****: A parent files a DIC claim on March 19, 2020. Entitlement would be established from March 19, 2020, were it not for the fact that 2020 calendar year income (and proportional income) exceeds the income limit. The parent’s claim is denied on September 14, 2020. The parent has up to and including December 31, 2021, to submit satisfactory evidence showing that calendar year 2021 income is within the limit.****Survivors Pension****: James Veteran died August 9, 2020.  The Veteran was not in receipt of VA benefits.  The Veteran’s surviving spouse files an original Survivors Pension claim on September 2, 2020, but the initial claim is denied on September 14, 2020, because the surviving spouse received one-time countable income on August 23, 2020. The initial year is August 9, 2020, through August 31, 2021. The surviving spouse has up to and including December 31, 2022, to submit a claim and evidence of deductible expenses paid during the period August 9, 2020, through August 31, 2021, or other evidence that initial-year IVAP was below the MAPR.  If income evidence is received before January 1, 2022, benefits, if otherwise payable, can be awarded effective August 1, 2020 (with a payment date of September 1, 2020.****Include in the notice:**** ***An explanation of the time limits***
 |
| **Completed Notice Checklist** | Have you completed your decision notice and need to review all elements? |  | ***Ensure the elements of the determination include:**** *sufficient detail regarding the rationale used in reaching the decision to ensure the claimant will understand its basis*
* *all issues adjudicated*
* *Effective date of entitlement*
* *Monthly rates of payment and effective dates*
	+ *Check for withholdings; were they explained, and correctly calculated,*
	+ *dependents added,*
	+ *income adjustments needed; were they explained*
	+ *overpayment; was it explained*
	+ *medical evidence for increase or decrease in income calculated correctly*
* *A complete summary of evidence considered*
* *A listing of findings made by the adjudicator that are favorable to the claimant under 38 CFR 3.104 (c)*
* *If the claim was denied: include an explanation that identifies elements required to grant the claim*
* *Explanation of how to obtain or access evidence used in making the decision*
* *A summary of applicable review options for further review*
* *The correct POA is on the notification and on the award (does it match)*
* *All applicable enclosures included*
 |
| **Summarizing Evidence (see** [M21-1 VI.i.1.B.1.g. – Summarizing Evidence in a Decision Notice](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000179469/M21-1-Part-VI-Subpart-i-Chapter-1-Section-B-Decision-Notices?query=summarizing%20evidence#1g)**)** | Have you completed your decision notice and need to review the summary of evidence? |  | ***Ensure the summary of evidence includes:**** *identification individual documents deemed relevant to the determination*
	+ *use descriptive modifiers such as the form names*
	+ *use descriptive modifiers such as document types*
	+ *include the date of receipt of each form and document*
	+ *do not use a form number without including the form name*

***EXAMPLE:*** ***Evidence Used in Making Our Decision:**** *A divorce decree, received February 10th, 2023, showing you and Mary divorced on January 25th, 2023*
* *VA Form 21-4138, Statement in Support of Claim, received on February 10, 2023, in which you stated your income increased from $600 per month to $1200 per month.*
 |

**Appendix**

**Periods of War (NOT ALL- INCLUSIVE)**

In addition to the currently recognized locations and conditions of service associated with presumptive herbicide exposure, the PACT Act added the following locations:

|  |  |
| --- | --- |
| **Location (NOT ALL INCLUSIVE)** | **Dates** |
| Thailand at the US or Royal Thai base, without regard to where on the base the Veteran was located or what MOS the Veteran performed | 1/9/1962 – 6/30/1976 |
| Laos | 12/1/1965 - 9/30/1969 |
| Cambodia at Mimot or Krek, Kampong Cham Province | 4/16/1969 – 4/30/1969 |
| Guam or America Samoa, or in the territorial waters thereof | 1/9/1962 – 7/31/1980 |
| Served on Johnston Atoll or on a ship that called at Johnson Atoll | 1/1/1972 – 9/30/1977 |

[**38 CFR 3.2 (Periods of War)**](https://www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFRf5fe31f49d4f511/section-3.23)

|  |  |
| --- | --- |
| **War Time (NOT ALL INCLUSIVE)** | **Description** |
| World War II | December 7, 1941, through December 31, 1946, inclusive. If the veteran was in service on December 31, 1946, continuous service before July 26, 1947 |
| Korean Conflict | June 27, 1950, through January 31, 1955 |
| Vietnam Era | The period beginning on November 1, 1955, and ending on May 7, 1975, inclusive, in the case of a veteran who served in the Republic of Vietnam during that period. The period beginning on August 5, 1964, and ending on May 7, 1975 |
| Persian Gulf | August 2, 1990, through date to be prescribed by Presidential proclamation or law |