

## **Failed Dependency Submissions Standard Operating Procedure (SOP)**

### **Purpose**

This SOP serves to guide claims processors in chronologically reviewing and processing dependency claims affected by technical defects in VA online application submission platforms. The Under Secretary for Benefits has authorized application of administrative error procedures for overpayments occurring after a failed dependency application submission. Application of this policy is limited to cases affected by the failed dependency submissions.

### **Background**

The Office of Chief Technology Officer (OCTO) identified a system error relating to dependency claims submitted online through eBenefits and subsequent electronic platforms. The system failed to establish an end product upon submission. In some cases, the applications were also not uploaded to the Veterans Benefits Management System (VBMS) eFolder. The Veterans Benefits Administration (VBA) identified over 45,000 dependency claims that require claim establishment and review for proper adjudication.

### **Policy Analysis**

Per 38 C.F.R. § 3.155(d)(1), a complete claim is generally considered filed as of the date received by VA for an evaluation or award of benefits under the laws administered by the Department of Veterans Affairs. 38 C.F.R. § 3.160(a) sets the requirements for a complete claim, while information regarding VA's duty to notify claimants of necessary information or evidence when developing claims is addressed in 38 C.F.R. § 3.159(b)(1). Effective dates that apply to dependency claims may be found in 38 C.F.R. §§ 3.401(b) and 3.660(c). 38 C.F.R. § 3.660 addresses reductions, discontinuance, and effective dates with changes in dependency for a Veteran, surviving spouse or child who is receiving pension. Section 3.660(a)(3) states overpayments created by retroactive discontinuance of benefits will be subject to recovery, if not waived.

All applicable regulations must be considered. 38 C.F.R. § 3.500(g)(2)(ii) provides information on reductions or termination when death of a dependent payee has occurred. Marriage reductions or terminations are addressed in 38 C.F.R. § 3.500(n)(2)(ii). 38 C.F.R. § 3.501(d)(2) covers divorce and termination of school attendance is addressed in 38 C.F.R. § 3.667(c). 38 U.S.C. § 5112(b)(2) and (7) specify effective dates of reductions based on changes in dependents' status in several circumstances. VA must generally apply those provisions when a change in dependency status occurs. Modest overpayments subject to recoupment are anticipated as a result of those statutes because they set the effective date of reductions as the date of specified events, even in scenarios when VA becomes aware of such events at a later date.

In the claim population of the failed dependency submissions, there is potential for large overpayments resulting from a VA failure to process the claimant's submission. 38 U.S.C. § 5112(b)(10), implemented in 38 C.F.R. § 3.500(b)(2), indicates that the effective date of a reduction by reason of an erroneous award based solely on administrative error or error in judgment shall be the date of last payment.

Recently enacted 38 U.S.C. § 5302B states that no individual may incur a debt that arises from participation in a program or benefit administered by VBA and is attributable to the failure of an employee to process information provided by, or on behalf of that individual, within applicable timeliness standards established by the Secretary.

While most revisions based on dependency changes should be governed by 38 U.S.C. § 5112(b)(2) or (7), and reasonable and inherently unavoidable delays in processing a claim or a change in dependency status do not ordinarily constitute an administrative error defined in 38 U.S.C. § 5112(b)(10), the failed dependency submissions are different. These delays, which are purely due to a VA system error where VA effectively overlooked information submitted by Veterans, constitute an administrative error subject to section 38 U.S.C. § 5112(b)(10). A Veteran should not be expected to provide multiple submissions to VBA when there is a change in their dependents.

The Under Secretary for Benefits has authorized application of the administrative error procedures to make claimants "whole" in so far as eliminating or refunding debts from the date the failed dependency submission occurred to the date of last payment, or the end date of a previously established debt.

### **Process**

1. For all affected living and deceased claimants, VA Central Office (VACO) will batch establish an EP 330, with a date of claim (DOC) reflecting the date of the earliest failed dependency submission.
  - An EP 330 VACO NR Review will be established for cases in which the Veteran is currently in receipt of disability compensation.
  - An EP 330 PMC-VACO NR Review will be established for pension beneficiaries.
  - The EP 330 contentions will reflect VA.gov Dependency Claim Submission Reviews. See VBMS Note, and a second contention identifying the form and upload date.
  - An associated claim level VBMS note will state:
    - *The batched EP 330 DOC reflects the earliest date of the failed application submission to VA.gov, or*
    - *The batched EP 330 establishment did not release an upfront notification to notify the Veteran of the review for failed application submission to VA.gov based on the current status of no active award. After review of the file, clearly indicate what action is needed.*

- OFO Review Project #1 special issue will be affixed to the EP 330 at batch establishment. This special issue must remain affixed through the life of the claim. If a new or other existing EP is used to address the claimed issues, the OFO Review Project #1 special issue must be added to the appropriate contentions.
2. A batch letter will be issued to all living claimants, whose award is not in a terminated or suspended status, affected by the failed dependency submissions. Even in cases involving no additional action, the Dependency Notification Letter – No Action Needed must be issued to inform the claimant of the outcome of our review when applicable (refer to Table 1 of this SOP for more information).
  3. Claims processors will review the documents associated with the failed dependency submission to determine appropriate actions. The associated evidence will reflect a receipt date matching the DOC of the pending EP 330. Claims processors will need to review any additional relevant evidence in the VBMS eFolder.

### **Special Considerations**

While the system failed to establish the necessary EP, the documents were often uploaded to the VBMS eFolder. This means dependency information associated with the failed submission may have been considered and adjudicated in conjunction with another claim. There may be claims where no dependency change is needed. If the claimed dependency issue(s) has been subsequently adjudicated, the prior claim will still warrant adjudication if the failed dependency submission changes the outcome of the prior decision or includes evidence not considered in the prior decision. Claims processors must also consider eligibility for an earlier effective date. Further, for cases involving debt establishment due to loss of a dependent(s), claims processors must carefully assess the period of overpayment and apply the administrative error procedures outlined in this SOP.

In instances where the documents previously failed to upload to the VBMS eFolder, the date of receipt and signature reflect the date the document was manually uploaded, not the actual date of claimant submission. Claims processors must review the contention to determine the actual date of receipt of the document and update the VBMS receipt date accordingly.

In rare instances where the claim processor cannot locate the document associated with the contention(s) for review, additional action will be necessary to locate the document. Claim processors should **not** cancel the EP 330 in any instance. If the document(s) cannot be located for review, the claim processor will:

- add the *Secondary Action Required* tracked item with a 30-day suspense
- input the following VBMS note: *Hold pending further review to locate source document*

- send an email to NWQ ([NWQ.VBAVACO@va.gov](mailto:NWQ.VBAVACO@va.gov)) and cc OFO ([OFO.VBACO@va.gov](mailto:OFO.VBACO@va.gov)) titled *Dependency Failure: Missing Source Document*, providing the claim ID and details of the situation, and
- allow the EP to recall to NWQ.

OFO will provide a response via email and re-route the claim to the station once the source document research has concluded.

**Important:** This SOP has been updated to address previously adjudicated cases in which a debt was established due to loss of a dependent, addition of a dependent and their income (for pension cases), and cases in which the Veteran's award is in a suspended or terminated status. Claims processors must apply the procedural guidance in the Tables below.

## **Procedures Quick Links**

[Table 1: Failed Dependency Submission Review Overview](#)

[Table 2: Failed Dependency Submission EP Control](#)

[Table 3: Authorization Action on Failed Dependency Submission](#)

[Administrative Error Case Example](#)

[Table 4: Reviewing for Accrued Claims](#)

[Table 5: Previously Adjudicated Potential Overpayment Overview](#)

[Table 6: Authorization Action – Previously Adjudicated Debts](#)

[Table 7: Suspended or Terminated Award Actions](#)

[Table 8: Review for Accrued When Veteran Has a Debt](#)

**Table 1: Failed Dependency Submission Review Overview**

Step	Action								
1	NWQ assignment of the EP 330 will be eligible for distribution to BEST sites or PMCs based on available capacity. The claims will be distributed in the Idle Development lifecycle.								
2	Identify the failed dependency submission in the eFolder by the contentions, and the corresponding VBMS notes: <ul style="list-style-type: none"> <li>• The batched EP 330 NR Review DOC reflects the earliest date of the failed application submission to VA.gov, <b>or</b></li> <li>• The batched EP 330 establishment did not release an upfront notification to notify the Veteran of the review for failed application submission to VA.gov based on the current status of no active award. After review of the file, clearly indicate what action is needed.</li> </ul>								
3	Determine whether the failed dependency submission was a complete claim on the prescribed form* at the time the failed submission occurred. See <a href="#">M21-1, Part II, Subpart iii, 1.C.</a> <ul style="list-style-type: none"> <li>• If yes, <b>and the Veteran's award is <i>not</i> in a suspended or terminated status</b> go to the next step.</li> <li>• If yes, <b>and the Veteran's award <i>is</i> currently in a suspended or terminated status</b> go to <a href="#">Table 7.</a></li> <li>• If no, send the request for application letter in accordance with <a href="#">M21-1 Part II, Subpart iii, 2.G.</a></li> </ul> <p><b>Exception:</b> If the Veteran is deceased do <b>not</b> send a request for application letter. Instead, clear the EP 330, with a VBMS note: <i>Reviewed failed submission, not a complete claim. Veteran deceased.</i> and proceed no further.</p> <p><b>*Note:</b> Prior to March 24, 2015, a prescribed form was <b>not</b> required if VA previously processed an original claim for benefits. See <a href="#">M21-1, Part II, Subpart iii, 1.A.4.f</a> and <a href="#">M21-1, Part VII, Subpart i, 1.A.4.a</a> for more information.</p>								
4	Review the file to determine if the failed dependency submission(s) issues have been adjudicated and follow the actions in the table below. <table border="1" data-bbox="188 1312 1104 1705"> <thead> <tr> <th data-bbox="188 1312 423 1390">If the failed submission application was ...</th> <th data-bbox="423 1312 651 1390">And the Veteran was in receipt of ...</th> <th data-bbox="651 1312 878 1390">And ...</th> <th data-bbox="878 1312 1104 1390">Then ...</th> </tr> </thead> <tbody> <tr> <td data-bbox="188 1390 423 1705">previously adjudicated</td> <td data-bbox="423 1390 651 1705">compensation</td> <td data-bbox="651 1390 878 1705">resulted in the <b>loss of a dependent(s)</b> that was on the Veteran's compensation award at the time the application was received</td> <td data-bbox="878 1390 1104 1705"> <ul style="list-style-type: none"> <li>• go to <a href="#">Table 5</a> if the Veteran is <i>not</i> deceased, <b>or</b></li> <li>• if the Veteran is deceased               <ul style="list-style-type: none"> <li>– go to <a href="#">Table 4</a> for BEST sites actions, <b>or</b></li> <li>– go to <a href="#">Table 8</a> for Veterans Service Center (VSC) actions.</li> </ul> </li> </ul> </td> </tr> </tbody> </table>	If the failed submission application was ...	And the Veteran was in receipt of ...	And ...	Then ...	previously adjudicated	compensation	resulted in the <b>loss of a dependent(s)</b> that was on the Veteran's compensation award at the time the application was received	<ul style="list-style-type: none"> <li>• go to <a href="#">Table 5</a> if the Veteran is <i>not</i> deceased, <b>or</b></li> <li>• if the Veteran is deceased               <ul style="list-style-type: none"> <li>– go to <a href="#">Table 4</a> for BEST sites actions, <b>or</b></li> <li>– go to <a href="#">Table 8</a> for Veterans Service Center (VSC) actions.</li> </ul> </li> </ul>
If the failed submission application was ...	And the Veteran was in receipt of ...	And ...	Then ...						
previously adjudicated	compensation	resulted in the <b>loss of a dependent(s)</b> that was on the Veteran's compensation award at the time the application was received	<ul style="list-style-type: none"> <li>• go to <a href="#">Table 5</a> if the Veteran is <i>not</i> deceased, <b>or</b></li> <li>• if the Veteran is deceased               <ul style="list-style-type: none"> <li>– go to <a href="#">Table 4</a> for BEST sites actions, <b>or</b></li> <li>– go to <a href="#">Table 8</a> for Veterans Service Center (VSC) actions.</li> </ul> </li> </ul>						

		<ul style="list-style-type: none"> <li>• did <b>not</b> result in the loss of a dependent(s)</li> <li>• was processed <b>correctly</b> (i.e., all dependents addressed/correct effective dates applied), <b>and</b></li> <li>• listed the failed dependency submission(s) as evidence in the decision notice</li> </ul>	<ul style="list-style-type: none"> <li>• prepare and send the <a href="#">Dependency Notification Letter – No Action Needed</a>.</li> <li>• clear the EP 330</li> <li>• input VBMS note: <i>Reviewed the EP 330 failed dependency submission. No action necessary. Claimed dependency changes were made in the &lt;insert date(s) of decision notice(s), and</i></li> <li>• proceed no further.</li> </ul>
		<ul style="list-style-type: none"> <li>• did <b>not</b> result in the loss of a dependent(s)</li> <li>• was processed <b>incorrectly</b> (i.e., not all dependents addressed, incorrect effective dates applied, or failed dependency submission(s) not listed as evidence on the decision notice)</li> </ul>	<ul style="list-style-type: none"> <li>• go to the next step if the Veteran is <i>not</i> deceased, <b>or</b></li> <li>• go to <a href="#">Table 4</a> if the Veteran is deceased.</li> </ul>
	Pension	<ul style="list-style-type: none"> <li>• resulted in the <b>reduction or termination</b> of the Veteran’s pension</li> </ul>	<ul style="list-style-type: none"> <li>• <b>go to Table 5 if the Veteran is not deceased, or</b></li> <li>• <b>go to Table 8 if the Veteran is deceased.</b></li> </ul>
		<ul style="list-style-type: none"> <li>• resulted in <b>increase or no change</b> of the Veteran’s pension.</li> <li>• was processed <b>correctly</b> (i.e., all dependents addressed/correct effective dates applied), <b>and</b></li> </ul>	<ul style="list-style-type: none"> <li>• prepare and send the <a href="#">Dependency Notification Letter – No Action Needed</a>.</li> <li>• clear the EP 330</li> <li>• input VBMS note: <i>Reviewed the EP 330 failed dependency submission.</i></li> </ul>

			<ul style="list-style-type: none"> <li>listed the failed dependency submission (s) as evidence in the decision notice</li> </ul>	<p><i>No action necessary. Claimed dependency changes were made in the &lt;insert date(s) of decision notice(s)&gt;, and</i></p> <ul style="list-style-type: none"> <li>proceed no further.</li> </ul>
			<ul style="list-style-type: none"> <li>resulted in <b>increase or no change</b> of the Veteran's pension, <i>and</i></li> <li>was processed <b>incorrectly</b> (i.e., not all dependents addressed/incorrect effective dates applied/failed dependency submission (s) not listed as evidence on the decision notice)</li> </ul>	<ul style="list-style-type: none"> <li>go to the next step if the Veteran is <i>not</i> deceased, <b>or</b></li> <li>go to <a href="#">Table 4</a> if the Veteran is deceased.</li> </ul>
	Not previously adjudicated	N/A	the Veteran is <b>not</b> deceased	go to the next step.
			The Veteran <b>is</b> deceased	go to <a href="#">Table 4</a> .
5	<p>Review the eFolder and take appropriate action as outlined in <a href="#">Table 2</a> below.</p> <p><b>Important:</b> If no other dependency claim was pending at the time of or filed after the failed dependency submission</p> <ul style="list-style-type: none"> <li>change the EP 330 to an EP 130, and</li> <li>go to Step 6 of <a href="#">Table 1</a>.</li> </ul> <p><b>Note:</b> Claims processors must enter contentions using the guidance within <a href="#">M21-1, Part III, Subpart i, 2.F.2.a</a>, when processing the claim under an EP <i>other than</i> EP 330.</p>			
6	<p>Determine if development action is needed.</p> <ul style="list-style-type: none"> <li>If yes, complete development actions.</li> <li>If no, complete award action and refer to authorization for finalization of the generated award.</li> </ul> <p>For more information on determining whether and how to take development on dependency claims refer to</p> <ul style="list-style-type: none"> <li><a href="#">M21-1, Part VII, Subpart i, 1.A.5-6</a>, and</li> <li><a href="#">M21-1, Part VII, Subpart ii, 1</a>.</li> </ul>			



	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• If a failed dependency submission is a duplicate claim (VAF 21-686c and/or VAF 21-674), no additional development is required unless <b>new</b> relevant evidence was identified and requires development.</li> <li>• If a development letter is required, include the following text in the free text portion of the letter:</li> </ul> <p><i>The Veterans Benefits Administration (VBA) discovered a technical defect that may have affected one of your previous online dependency application submissions. VBA is completing a review of your electronic submission(s) and any supporting documentation to ensure your claim was processed appropriately.</i></p>
7	<p>Authorization activity completes final authorization and claimant notification by taking the steps in <a href="#">Table 3</a>.</p> <p><b>Note:</b> The guidance within <a href="#">Table 3</a> is specific to scenarios regarding the dependency submissions that failed to have a claim established due to the electronic submission defect. Claims processors must also consider any other factors pertinent to the claim, such as, but <b>not limited to</b>, receipt of military retired pay, drill pay adjustments, and possible attorney/agent fees, in addition to the guidance in <a href="#">Table 3</a>.</p> <p><b>References:</b> For more information on</p> <ul style="list-style-type: none"> <li>• military retired pay, see <a href="#">M21-1, Part VI, Subpart II, 4</a>,</li> <li>• drill pay adjustments, see <a href="#">M21-1, Part VI, Subpart II, 3</a>, and</li> <li>• attorney/agent fees, see <a href="#">M21-5, Chapter 8</a>.</li> </ul>

**Table 2: Failed Dependency Submission EP Control**

If the Veteran successfully filed a ...	And the successful dependency claim submission occurred...	And the claim is...	Then ...
non-AMA dependency claim regardless of the claimed dependent(s)	before the failed dependency submission	currently pending	<ul style="list-style-type: none"> <li>ensure all appropriate contentions are reflected in the current EP.</li> <li>affix OFO Review Project #1 to the appropriate contentions</li> <li>clear the EP 330, and</li> <li>go to Step 6 of <a href="#">Table 1</a>.</li> </ul>
		no longer pending	<ul style="list-style-type: none"> <li>change the EP 330 to an EP 930 with the applicable claim label in accordance with M21-4 (i.e., Non-Rating Control), and</li> <li>go to Step 6 of <a href="#">Table 1</a>.</li> </ul>
	after the failed dependency submission	currently pending	<ul style="list-style-type: none"> <li>ensure all appropriate contentions are reflected in the current EP.</li> <li>affix OFO Review Project #1 to the appropriate contentions on the current EP</li> <li>change the date of claim to reflect the earlier date of the claim associated with the failed dependency submission.</li> <li>clear the EP 330, and</li> <li>go to Step 6 of <a href="#">Table 1</a>.</li> </ul>
		no longer pending	<ul style="list-style-type: none"> <li>change the EP 330 to an EP 930 with the applicable claim label in accordance with M21-4 (i.e., Non-Rating Control), and</li> <li>go to Step 6 of <a href="#">Table 1</a>.</li> </ul>
higher-level review (HLR) or supplemental claim for the same dependent(s)	before the failed dependency submission	currently pending	<ul style="list-style-type: none"> <li>send the <i>Claim Already on Appeal</i> letter, and</li> <li>change EP 330 to an EP 400 and clear, as outlined in <a href="#">M21-1, Part II, Subpart i, 2.A.3.c</a>.</li> </ul> <p><b>Note:</b> If there is at least one claimed dependent on the failed dependency submission that is not part of the HLR or</p>

			supplemental claim, do <b>not</b> change the EP 330. Instead, take the appropriate action for the remaining contention(s) based on the relevant row of this table.
		no longer pending	<ul style="list-style-type: none"> <li>change the EP 330 to an EP 930 with the applicable claim label in accordance with M21-4 (i.e., Non-Rating Control), and</li> <li>go to Step 6 of <a href="#">Table 1</a>.</li> </ul>
	after the failed dependency submission	currently pending	<ul style="list-style-type: none"> <li>allow the HLR or supplemental claim to proceed</li> <li>clear the EP 330, and</li> <li>go to Step 6 of <a href="#">Table 1</a>.</li> </ul> <p>• <b>Note:</b> The claims processor who addresses the HLR or supplemental claim must also address the failed dependency submission.</p>
		no longer pending	<ul style="list-style-type: none"> <li>change the EP 330 to an EP 930 with applicable claim label in accordance with M21-4 (i.e., Non-Rating Control), and</li> <li>go to Step 6 of <a href="#">Table 1</a>.</li> </ul>
appeal with the Board for the same contention(s)  <b>Note:</b> Claims processors should review VA electronic systems, to include Caseflow, to determine if there was/is a pending HLR, supplemental claim, or appeal with the Board.	N/A	pending	<ul style="list-style-type: none"> <li>send the <i>Claim Already on Appeal</i> letter, and</li> <li>change EP 330 to an EP 400 and clear, as outlined in <a href="#">M21-1, Part II, Subpart i, 2.A.3.c</a>.</li> </ul> <p><b>Note:</b> If there is at least one claimed dependent on the failed dependency submission that is not part of the appeal, do <b>not</b> change the EP 330. Instead, take the appropriate action for the remaining contention(s) based on the relevant row of this table.</p>

**Important:** If the Veteran claimed a child’s permanent incapacity for self-support on the failed dependency submission(s) follow the guidance in the table above and establish the appropriate *rating* EP (vs. non-rating control – i.e., 930 Rating Control or 020 Helpless child), in addition to any non-rating EP needed for any other claimed dependents.

**Notes:**

- If a pending claim is required to complete appropriate actions prior to disposal of the EP 330 and that claim is assigned to NWQ, follow local procedures to have the *request claims functionality* within VBMS utilized to retrieve the claim. If there is an additional non-rating claim that is already assigned to another BEST site or PMC, coordination should occur between the locations to transfer the claim.
- If the failed dependency submission is claiming addition of a dependent(s) that was already on the Veteran’s award at the time the application was received, and will have no effect on the award, change the EP 330 to EP 400, notify the Veteran accordingly, and clear the EP 400, as outlined in [M21-4, Appendix B.2, EP 130](#).

**Table 3: Authorization Action on Failed Dependency Submission**

If the ...	Then ...
<p>Veteran never successfully filed a claim for the same dependent(s) on the failed submission, and therefore, the dependent(s) on the failed dependency submission was never adjudicated</p>	<p>complete authorization activity under the EP established per <a href="#">Table 2</a> and award any benefits from the appropriate effective date based on the failed dependency submission’s date of claim (or other applicable effective date).</p> <p><b>Exceptions:</b> If the failed submission resulted in</p> <ul style="list-style-type: none"> <li>• the loss of a dependent currently on the Veteran’s <ul style="list-style-type: none"> <li>– <i>pension</i> award, follow the instructions in the third-to-last row of this table (in addition to this row if multiple dependents were claimed), <i>or</i></li> <li>– <i>compensation</i> award that will result in a debt due to the failed submission, as discussed in the <i>Policy Analysis</i> section of this SOP, follow the instructions in the last row of this table (in addition to this row if multiple dependents were claimed), <i>or</i></li> </ul> </li> <li>• reduction or termination of <i>pension benefits</i> due to <i>addition</i> of a dependent not currently on the Veteran’s award follow the instructions in the second to last row of this table.</li> </ul>
<p>Veteran successfully filed a claim for the same dependent(s) on the failed submission, and the failed dependency submission would affect the effective date of a prior decision</p>	<p>complete authorization activity under the EP established per <a href="#">Table 2</a> to revise the previous decision based on the failed dependency submission, to include awarding any benefits from the appropriate date of claim (or other applicable effective date).</p>

	<p><b>Exceptions:</b> If the failed submission resulted in</p> <ul style="list-style-type: none"> <li>the loss of a dependent currently on the Veteran's <ul style="list-style-type: none"> <li><i>pension</i> award, follow the instructions in <a href="#">the third-to-last row of this table</a> (in addition to this row if multiple dependents were claimed), <i>or</i></li> <li><i>compensation</i> award that will result in a debt due to the failed submission, as discussed in the <i>Policy Analysis</i> section of this SOP, follow the instructions in <a href="#">the last row of this table</a> (in addition to this row if multiple dependents were claimed), <i>or</i></li> </ul> </li> <li>reduction or termination of <i>pension benefits</i> due to <i>addition</i> of a dependent not currently on the Veteran's award follow the instructions in the <a href="#">second to last row of this table</a>.</li> </ul> <p><b>Note:</b> If the failed dependency submission affects the prior decision unfavorably due to an administrative error other than the failed submission issue expressed in the <i>Policy Analysis</i> section of this SOP, follow</p> <ul style="list-style-type: none"> <li>any applicable due process procedures outlined in <a href="#">M21-1, Part X, Subpart ii, 3.A-D</a>, and</li> <li>the procedures in <a href="#">M21-1, Part VI, Subpart i, 2.B.3</a> for handling administrative error.</li> </ul>		
<p>Veteran successfully filed a claim for the same dependents on the failed dependency submission, which has been adjudicated, and the failed submission does <i>not</i> change the outcome of that prior adjudication</p>	<p>complete authorization activity under the EP established per <a href="#">Table 2</a> to confirm and continue the previous <b>dependency-related</b> decision(s) and list the failed dependency submission application(s) as evidence in the decision notice that meets requirements in <a href="#">M21-1, Part VI, Subpart i, 1.B.1.b</a> (to include review rights).</p>		
<p>failed dependency submission results in the loss of a dependent(s) <b>currently</b> on the Veteran's <b>pension</b> award</p>	<p>review the following table to determine the actions needed.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>If removal of the dependent and their income results in ...</b></p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>Then ...</b></p> </td> </tr> </table> <ul style="list-style-type: none"> <li>Follow the guidance in <a href="#">M21-1, Part IX, Subpart iii, 1.F.3.i</a> and <a href="#">M21-1, Part IX, Subpart iii, 1.F.4.c</a> to remove the dependent and their income (if applicable) and</li> <li>pay the increase.</li> </ul> <p><b>Note:</b> Do not prepare an administrative decision.</p>	<p><b>If removal of the dependent and their income results in ...</b></p>	<p><b>Then ...</b></p>
<p><b>If removal of the dependent and their income results in ...</b></p>	<p><b>Then ...</b></p>		

	<ul style="list-style-type: none"> <li>Follow the guidance in <a href="#">M21-1, Part IX, Subpart iii, 1.F.3.a-f</a> and <a href="#">M21-1, Part IX, Subpart iii, 1. F.4.c</a> to remove dependent and their income (if applicable).</li> <li>Prepare an administrative decision to remove the debt due to the electronic submission defect by following the instructions in <a href="#">the last row of this table</a>.</li> </ul>						
<p>failed dependency submission results in a reduction or termination of the Veteran's <b>pension</b> award due to addition of a dependent <i>not currently</i> in the Veteran's award</p>	<ul style="list-style-type: none"> <li>Follow the guidance in <a href="#">M21-1, Part IX, Subpart iii, 1.F.2</a> to adjust the award appropriately, and</li> <li>prepare an administrative decision to remove the debt due to the failed submission by following the instructions in <a href="#">the last row of this table</a>.</li> </ul>						
<p>failed dependency submission results in the loss of a dependent(s) <b>currently</b> on the Veteran's <b>compensation</b> award</p>	<p>complete the actions in the table below to eliminate the overpayment amount resulting from the failed dependency submission.</p> <table border="1" data-bbox="472 982 1036 1703"> <thead> <tr> <th data-bbox="472 982 548 1010">Step</th> <th data-bbox="548 982 1036 1010">Action</th> </tr> </thead> <tbody> <tr> <td data-bbox="472 1010 548 1627">1</td> <td data-bbox="548 1010 1036 1627"> <p>Determine the timeframe the administrative error occurred by identifying</p> <ul style="list-style-type: none"> <li>the date of receipt of the affected claim, and</li> <li>the LAST PAID DATE field on the CURRENT AND HISTORICAL AWARD INFORMATION page in VBMS.</li> </ul> <p><b>Exception:</b></p> <ul style="list-style-type: none"> <li>The beneficiary may not receive additional compensation for more than one spouse. If the beneficiary reported the loss of a spouse and claimed a new spouse that can be added as a dependent with an earlier effective date than <ul style="list-style-type: none"> <li>the LAST PAID DATE, but <b>not</b> earlier than the date of receipt of the affected claim, use the award effective date the new spouse is being added instead of the LAST PAID DATE, <i>or</i></li> <li>the date of receipt of the affected claim, do <b>not</b> complete the remaining steps of this table. Instead, complete regular procedures to remove the current spouse and add the new spouse as a dependent.</li> </ul> </li> </ul> </td> </tr> <tr> <td data-bbox="472 1627 548 1703">2</td> <td data-bbox="548 1627 1036 1703"> <p>Determine the amount of overpayment that resulted from the failed dependency submission by removing the dependent(s) effective the date</p> </td> </tr> </tbody> </table>	Step	Action	1	<p>Determine the timeframe the administrative error occurred by identifying</p> <ul style="list-style-type: none"> <li>the date of receipt of the affected claim, and</li> <li>the LAST PAID DATE field on the CURRENT AND HISTORICAL AWARD INFORMATION page in VBMS.</li> </ul> <p><b>Exception:</b></p> <ul style="list-style-type: none"> <li>The beneficiary may not receive additional compensation for more than one spouse. If the beneficiary reported the loss of a spouse and claimed a new spouse that can be added as a dependent with an earlier effective date than <ul style="list-style-type: none"> <li>the LAST PAID DATE, but <b>not</b> earlier than the date of receipt of the affected claim, use the award effective date the new spouse is being added instead of the LAST PAID DATE, <i>or</i></li> <li>the date of receipt of the affected claim, do <b>not</b> complete the remaining steps of this table. Instead, complete regular procedures to remove the current spouse and add the new spouse as a dependent.</li> </ul> </li> </ul>	2	<p>Determine the amount of overpayment that resulted from the failed dependency submission by removing the dependent(s) effective the date</p>
Step	Action						
1	<p>Determine the timeframe the administrative error occurred by identifying</p> <ul style="list-style-type: none"> <li>the date of receipt of the affected claim, and</li> <li>the LAST PAID DATE field on the CURRENT AND HISTORICAL AWARD INFORMATION page in VBMS.</li> </ul> <p><b>Exception:</b></p> <ul style="list-style-type: none"> <li>The beneficiary may not receive additional compensation for more than one spouse. If the beneficiary reported the loss of a spouse and claimed a new spouse that can be added as a dependent with an earlier effective date than <ul style="list-style-type: none"> <li>the LAST PAID DATE, but <b>not</b> earlier than the date of receipt of the affected claim, use the award effective date the new spouse is being added instead of the LAST PAID DATE, <i>or</i></li> <li>the date of receipt of the affected claim, do <b>not</b> complete the remaining steps of this table. Instead, complete regular procedures to remove the current spouse and add the new spouse as a dependent.</li> </ul> </li> </ul>						
2	<p>Determine the amount of overpayment that resulted from the failed dependency submission by removing the dependent(s) effective the date</p>						

	<p>of receipt of the claim within the <i>Enhanced Non-Permanent Award Display (ENAD)</i> function in VBMS-Awards (VBMS-A).</p> <p><b>Note:</b> Ensure to</p> <ul style="list-style-type: none"> <li>• input the date of receipt of the claim in both the EVENT DATE and AWARD EFF DT fields,</li> <li>• upload a screenshot of the ENAD workspace, and</li> <li>• delete the ENAD workspace in VBMS-A prior to final promulgation and authorization.</li> </ul> <p><b>Exception:</b> Input the first day of the following month from the date of receipt of the failed dependency submission instead of the date of receipt if</p> <ul style="list-style-type: none"> <li>• the date of receipt is within the same month and year of the loss of dependent(s), and</li> <li>• the end-of-month rule applies to the removal of the dependent(s).</li> </ul> <p><b>Important:</b> For Pension claims use the “<a href="#">Administrative Error Paid/Due Calculator Over \$25k</a>” to determine amount of overpayment instead of the ENAD function and upload the calculator results to the beneficiary’s eFolder.</p> <p><b>Reference:</b> For more information on when the end-of-month rule applies to the removal of a dependent, see <a href="#">M21-1, Part VII, Subpart i, 1.C.4.b.</a></p>
	<p>3 Prepare an administrative decision, documenting the period for which VA considers to be VA administrative error using the <a href="#">Administrative Decision Template</a>.</p> <p>In the <i>Reasons and Bases</i> section of the administrative decision provide</p> <ul style="list-style-type: none"> <li>• a brief description that the error resulted from the failed electronic dependency submission</li> <li>• the date the error occurred as the date of receipt of the dependency claim that failed to be established, and</li> <li>• the amount of additional benefits VA paid as a result of the error, using the dates identified in Step 1, and the amount determined in Step 2.</li> </ul> <p><b>Note:</b> Cite <a href="#">38 CFR 3.500(b)(2)</a> in the <i>Pertinent Laws and Regulations</i> section of the administrative decision if the correction of the</p>

		<p>administrative error results in the reduction of the beneficiary's <b>current</b> rate of payment.</p> <p><b>References:</b> For more information on</p> <ul style="list-style-type: none"> <li>preparing administrative decisions, see <ul style="list-style-type: none"> <li>– <a href="#">M21-1, Part VI, Subpart i, 2.B.3.i</a>, and <a href="#">M21-1, Part X, Subpart v, 1.C</a>.</li> </ul> </li> </ul>
	4	<ul style="list-style-type: none"> <li>Submit the administrative decision for approval, according to the instructions in <a href="#">M21-1, Part VI, Subpart i, 2.B.3.h</a>.</li> <li>Go to the next step following receipt of approval.</li> </ul>
	5	<p>Adjust the beneficiary's award by</p> <ul style="list-style-type: none"> <li>removing the dependent(s) in accordance with <a href="#">38 CFR 3.500</a> and <a href="#">38 CFR 3.660</a>, and</li> <li>eliminate any overpayment that resulted from the failed dependency submission by following the Steps in <a href="#">M21-1, Part VI, Subpart iii, 2.B.3.e</a>, through the dates identified in Step 1 of this table.</li> </ul> <p><b>Important:</b> The claim processor must add a permanent claim-level note in VBMS to identify the total amount of overpayment eliminated based on the submission error. This note should be entered as "<i>DEPWAV: &lt;total amount&gt;</i>" entering the total amount removed as indicated in the administrative decision. For example, if the administrative decision determined the Veteran was overpaid \$75.00, the claim processor will enter a VBMS note that states "<i>DEPWAV: 75.00</i>". Do NOT enter additional information pertaining to the claim within this VBMS note.</p>
	6	Establish and clear an EP 960, using the date VA discovered the error as the date of claim.
	7	Prepare a decision notice, including the determination of the administrative decision, and enclose a copy of the administrative decision.

**Important:** The following verbiage must be included in the notification letter introduction:

*The Veterans Benefits Administration (VBA) discovered a technical defect that affected one of your previous online application submissions. VBA completed a review of your electronic submissions and any supporting documentation. This decision addresses the application affected by that defect.*



The above courses of actions do not include the portion of the overpayment that incurred as a result of the claimant not submitting a timely dependency claim. The date of the administrative error depends on the date of the receipt of the dependency claim that failed to establish. If the claimant did not promptly submit their claim to report a dependency change and the claim was not processed timely due to the system error, the portion of the overpayment related to the claimant's delayed submission would require recoupment.

**Example:** A Veteran is being paid disability compensation with a dependent spouse on their award. The Veteran and spouse divorced on April 12, 2019. The Veteran notified VA via an electronic claim submission on May 15, 2020. The electronic claim submission failed to establish an end product. The dependency change was not addressed in a subsequent decision.

A claims processor is assigned the case on October 10, 2023, as a part of the failed dependency submission error review. The claims processor must:

- Prepare an administrative error decision to write off the debt for the period of May 15, 2020 (date of VA notification of the dependent loss event), to November 1, 2023 (last paid date).
- Input award activity to create a debt for the period of May 1, 2019, (first of the month following the dependent loss event) to May 15, 2020 (date of VA notification of the dependent loss event) by removing the dependent as of the divorce date, thus reducing the award retroactively.
- Manually input a gross payment rate replacement to match the prior payment rates for the period of May 15, 2020, to November 1, 2023 (last paid date) to stop the debt from generating for this period. The award would then pay at the reduced rate due to the loss of the dependent November 1, 2023, forward.
- Complete award action and refer to authorization for finalization of the generated award.

Typically, the above scenario would result in a debt to the Veteran for the entire period of May 1, 2019, to November 1, 2023, regardless of the time it took VA to process the award adjustment.

**Note:** The Veteran could utilize the debt waiver process for the period in which a debt was created.

**Table 4: Reviewing for Accrued Claims**

For all situations where the Veteran is now deceased, follow the steps in the table below to determine appropriate action(s) for accrued purposes.

Step	Action
1	<p>Steps 1-4 from <a href="#">Table 1</a> must be completed prior to following the steps in this table.</p> <p><b>Important:</b> VSC employees skip to <a href="#">Step 4</a>.</p>
2	<p>Was an accrued/substitution claim received within one year of the Veteran's date of death?</p> <ul style="list-style-type: none"> <li>• If <i>yes</i>, continue to next step.</li> <li>• If <i>no</i>, and the time limit has               <ul style="list-style-type: none"> <li>– <b>not</b> expired, change the EP 330 to EP 400, send a <i>VA Form 21P-601</i>, and clear the EP 400 or</li> <li>– expired, clear the EP 330, and enter the following VBMS note: <i>Reviewed failed claim submission accrued not submitted timely-Veteran deceased.</i></li> </ul> </li> </ul> <p><b>Important:</b></p> <ul style="list-style-type: none"> <li>• A request to substitute does not require a standard application per <a href="#">M21-1, Part XI, Subpart ii, 3.C.1.b.</a></li> <li>• All deceased Veteran's awards currently suspended should be properly terminated and the FNOD process completed before EP 330/400 is cleared.</li> </ul> <p><b>Reference:</b> For information on what to include in the notification letter requesting <i>VA Form 21P-601</i>, see <a href="#">M21-1, Part XI, Subpart ii, 3.C.1.d.</a></p>
3	<p>Is there a pending EP 165 (accrued) or EP 290 (substitution)?</p> <ul style="list-style-type: none"> <li>• If <i>yes</i>,               <ul style="list-style-type: none"> <li>– affix OFO Review Project #1 to the appropriate contentions</li> <li>– clear the EP 330, and</li> <li>– continue to next step (PMCs) or disregard the remaining steps and let the EP 165 route correctly (BEST).</li> </ul> </li> <li>• If <i>no</i>,               <ul style="list-style-type: none"> <li>– establish the appropriate EP.</li> <li>– affix OFO Review Project #1 to the appropriate contentions when establishing.                   <ul style="list-style-type: none"> <li>▪ EP 165 for accrued claims based on the appropriate jurisdiction described within <a href="#">M21-1, Part XI, Subpart ii, 3.E.17.a,</a> or</li> <li>▪ EP 290 if the claim for substitution is received without a standard application for accrued as described in <a href="#">M21-1, Part XI, Subpart ii, 3.E.17.c</a></li> </ul> </li> </ul> </li> </ul>

	<p>– clear the EP 330 and continue to next step (PMCs) or disregard remaining steps and let the EP 165 route correctly (BEST).</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• If a claim for accrued/substitution was previously denied without consideration of the failed dependency submission an EP 165 or EP 290 should be reestablished.</li> <li>• If an EP 190 or 140 is pending, affix OFO Review Project #1 to the appropriate contentions to the pending EP. Do not establish a separate EP 165 unless the accrued benefit is granted and will be paid.</li> </ul>
4	<p>Review the eFolder to determine if accrued benefits exist.</p> <ul style="list-style-type: none"> <li>• If yes, go to the next step.</li> <li>• If no, deny the claim and go to step 5.</li> </ul> <p><b>Important:</b></p> <ul style="list-style-type: none"> <li>• If the failed dependency submission does not result in a favorable decision to a deceased Veteran's award (for example the change would reduce the award instead of granting a retroactive payment), deny accrued benefits since no accrued exist.</li> <li>• If the claim was previously adjudicated review the failed dependency submission for possible accrued benefits owed due to errors in effective dates or in the addition or removal of all dependents and their income (if applicable). If there is still no change to the deceased Veteran's award, deny accrued benefits.</li> </ul>
5	<p>Claims processor determines if development action is needed.</p> <ul style="list-style-type: none"> <li>• Follow <a href="#">M21-1, Part XI, Subpart ii, 3.C.4</a> when developing for the original dependency claim or <a href="#">M21-1, Part XI, Subpart ii, 3.C.3</a> for the accrued/substitution claim.</li> <li>• Once development is complete or if it is not required, continue to next step.</li> </ul> <p><b>Note:</b> If a development letter is required, include the following text in the free text portion of the letter:</p> <p><i>The Veterans Benefits Administration (VBA) discovered a technical defect that may have affected one of the deceased Veteran's previous online dependency application submissions. VBA is completing a review of the Veteran's electronic submission(s) and any supporting documentation for potential survivor benefits due to you.</i></p>
6	<p>Authorization activity completes final authorization and claimant notification using the important verbiage listed below.</p>

**Important:** The following verbiage must be included in the notification letter introduction:

*The Veterans Benefits Administration (VBA) discovered a technical defect that affected one of the deceased Veteran's previous online application submissions. VBA completed a review of the Veteran's electronic submissions and any supporting documentation. This decision addresses any survivor benefits due as a result of the review.*

**Table 5: Previously Adjudicated Potential Overpayment Overview**

Step	Action												
1	<p>Determine if any overpayment was created due to delay in processing the claim by completing Steps 1 and 2 of <a href="#">Table 6</a>.</p> <ul style="list-style-type: none"> <li>If yes, proceed to the next step.</li> <li>If no, follow the procedures in this <a href="#">SOP</a> as if the failed submission did not result in the loss of a dependent or reduction/termination of pension.</li> </ul>												
2	<p>Review the eFolder to determine if a debt waiver request was processed.</p> <ul style="list-style-type: none"> <li>If yes, follow the actions in the table below.</li> <li>If no, proceed to the next Step.</li> </ul> <p><b>Note:</b> A decision concerning a waiver of indebtedness is documented on <a href="#">VA Form 4-1837, Decision on Waiver of Indebtedness</a>, as shown in the example below.</p> <p><b>Example:</b></p> <table border="1"> <tr> <td>7. DATE REQUEST FOR WAIVER RECEIVED 11/18/22</td> <td>8. ORIGINAL AMOUNT OF DEBT \$8,769.20</td> <td>9. ACCRUED INTEREST \$0.00</td> <td>10. ADMINISTRATIVE COLLECTION COSTS \$0.00</td> <td>11. OTHER COSTS (Identify) \$0.00</td> <td>12. TOTAL INDEBTEDNESS (Sum of items 8,9,10 and 11) \$8,769.20</td> </tr> </table> <p>13. SUMMARY OF EVIDENCE (Include type and amount of any VA benefits such as compensation, pension, etc.)</p> <p><b>Compensation</b></p> <p>The veteran's debt period is 11/01/16 through 05/31/22 due to a change in their dependency status. The veteran's award was amended on 11/02/22. The veteran requested a waiver on 11/17/22 with their VA Form 5655 Financial Status Report.</p> <p style="text-align: center;"><b>DECISION</b> The following decision is made in accordance with 38 U.S.C. 5302 and 38 CFR 1.955 - 1.970</p> <p>14. ACTION OF COMMITTEE</p> <p><input checked="" type="checkbox"/> WAIVER GRANTED      <input type="checkbox"/> WAIVER DENIED      <input type="checkbox"/> WAIVER GRANTED IN PART</p> <p>15. REASONS FOR DECISION: In accordance with 38 USC 3102 (c), the finding of fraud, misrepresentation or bad faith on the part of the claimant automatically precludes the granting of waiver. Since no such finding has been made, waiver decision is based on the elements that assist in defining the principles of equity and good conscience.</p> <p><b>Reasons and Bases</b> The Department of Veterans Affairs (VA) received information that your dependency status changed. Based on this information, your dependent [redacted] was removed from your award effective 11/01/16. 38 U.S.C.A. § 1506 (3); 38 C.F.R. §§ 3.277 (b), 3.660.</p> <table border="1"> <thead> <tr> <th>If a waiver of the debt was ...</th> <th>and is ...</th> <th>Then ...</th> </tr> </thead> <tbody> <tr> <td>granted in full or in part</td> <td>equal or greater than the amount of overpayment</td> <td> <ul style="list-style-type: none"> <li>follow the procedures in this <a href="#">SOP</a> as though the failed submission did not result in the loss of a dependent or reduction/termination of pension, and</li> <li>include in the decision notice, <i>On [date of waiver decision notice] you were notified that [amount of waiver granted] was waived from the debt resulting from the [loss (for</i></li> </ul> </td> </tr> </tbody> </table>	7. DATE REQUEST FOR WAIVER RECEIVED 11/18/22	8. ORIGINAL AMOUNT OF DEBT \$8,769.20	9. ACCRUED INTEREST \$0.00	10. ADMINISTRATIVE COLLECTION COSTS \$0.00	11. OTHER COSTS (Identify) \$0.00	12. TOTAL INDEBTEDNESS (Sum of items 8,9,10 and 11) \$8,769.20	If a waiver of the debt was ...	and is ...	Then ...	granted in full or in part	equal or greater than the amount of overpayment	<ul style="list-style-type: none"> <li>follow the procedures in this <a href="#">SOP</a> as though the failed submission did not result in the loss of a dependent or reduction/termination of pension, and</li> <li>include in the decision notice, <i>On [date of waiver decision notice] you were notified that [amount of waiver granted] was waived from the debt resulting from the [loss (for</i></li> </ul>
7. DATE REQUEST FOR WAIVER RECEIVED 11/18/22	8. ORIGINAL AMOUNT OF DEBT \$8,769.20	9. ACCRUED INTEREST \$0.00	10. ADMINISTRATIVE COLLECTION COSTS \$0.00	11. OTHER COSTS (Identify) \$0.00	12. TOTAL INDEBTEDNESS (Sum of items 8,9,10 and 11) \$8,769.20								
If a waiver of the debt was ...	and is ...	Then ...											
granted in full or in part	equal or greater than the amount of overpayment	<ul style="list-style-type: none"> <li>follow the procedures in this <a href="#">SOP</a> as though the failed submission did not result in the loss of a dependent or reduction/termination of pension, and</li> <li>include in the decision notice, <i>On [date of waiver decision notice] you were notified that [amount of waiver granted] was waived from the debt resulting from the [loss (for</i></li> </ul>											

		determined in Step 1	compensation) <b>or</b> addition (for pension)] of [dependent's name]. The amount of overpayment attributed to the electronic submission defect is less than the amount of debt waived. Therefore, no additional action will be taken regarding this matter, as the amount of overpayment that resulted in delayed processing has been waived.
		less than the amount of overpayment determined in Step 1	<ul style="list-style-type: none"> <li>complete <a href="#">Steps 5 and 6 of Table 1</a></li> <li>subtract the amount waived from the overpayment amount determined in Step 1 of this Table, <b>and</b></li> <li>complete the <a href="#">remaining steps in Table 6</a> using the amount calculated, and the <a href="#">CUE Administrative Decision Template</a>.</li> </ul> <p><b>Note:</b> Slight adjustment to the wording of the CUE template will be needed to account for the calculations completed concerning the amount waived.</p>
	denied	N/A	<p>review the file to determine if 180 days have passed since the debt decision notice by using the COUNT DAYS tab in the <a href="#">Time and Date online calculator</a>, and checking the box that says <i>include the end date in calculation</i>.</p> <ul style="list-style-type: none"> <li>Complete <a href="#">Steps 5 and 6 of Table 1</a>, <b>and</b> <ul style="list-style-type: none"> <li>if less than 180 days, <a href="#">complete the remaining steps in Table 6</a> using the <a href="#">Administrative Decision – Previously Adjudicated Template</a>, <b>or</b></li> <li>if equal or greater than 180 days, complete the <a href="#">remaining steps in Table 6</a> using the <a href="#">CUE Administrative Decision Template</a>.</li> </ul> </li> </ul>
3	Review Enterprise Management of Payments Workload and Reporting for VA (eMPWR-VA) to determine the status of the debt and complete the actions in the table below.		
	<b>If the debt ...</b>		<b>Then ...</b>
	<ul style="list-style-type: none"> <li>has been paid in full, <b>or</b></li> <li>is currently being repaid</li> </ul>		<ul style="list-style-type: none"> <li>complete <a href="#">Steps 5 and 6 of Table 1</a>, <b>and</b></li> <li>complete the <a href="#">remaining steps in Table 6</a> using the <a href="#">CUE Administrative Decision Template</a>.</li> </ul>
	has not begun to be collected		<p>review the file to determine if 180 days have passed since the debt decision notice by using the COUNT DAYS tab in the <a href="#">Time and Date online calculator</a>, and checking the box that says <i>include the end date in calculation</i>.</p> <ul style="list-style-type: none"> <li>Complete <a href="#">Steps 5 and 6 of Table 1</a>, <b>and</b> <ul style="list-style-type: none"> <li>if less than 180 days, complete the <a href="#">remaining steps in Table 6</a> using the <a href="#">Administrative Decision – Previously Adjudicated Template</a>, <b>or</b></li> <li>if equal or greater than 180 days, complete the <a href="#">remaining steps in Table 6</a> using the <a href="#">CUE Administrative Decision Template</a>.</li> </ul> </li> </ul>

**Table 6: Authorization Action - Previously Adjudicated Debts**

Step	Action
1	<p>Determine the timeframe of delayed processing by identifying</p> <ul style="list-style-type: none"> <li>the date of receipt of the affected claim, and</li> <li>the LAST PAID DATE as of the date of the award action that created the debt.</li> </ul> <p><b>Note:</b> To determine the LAST PAID DATE as of the date of the award action refer to the Historical Cutoff Dates and Instructions.</p>
2	<p>Determine the amount of overpayment, if any, that resulted from delays in processing the failed dependency submission by completing the <a href="#">Administrative Error Paid/Due Calculator Over \$25k</a> as if adding the dependent(s) through the dates identified in the previous step, and upload to the eFolder.</p> <p><b>Note:</b> If the Veteran's combined evaluation has changed during the timeframe identified in the previous step, the rates of the combined evaluation at the time of the award action that removed the dependent(s) must be used.</p> <p><b>Exceptions:</b></p> <ul style="list-style-type: none"> <li>Input the first day of the following month from the date of receipt of the failed dependency submission instead of the date of receipt if <ul style="list-style-type: none"> <li>the date of receipt is within the same month and year of the loss or addition (pension) of dependent(s), and</li> <li>the end-of-month rule applies to the removal or addition (pension) of the dependent(s).</li> </ul> </li> <li>Adjust accordingly, to prevent duplication of payment, if a subsequent award, over a range of dates that includes the timeframe specified above <ul style="list-style-type: none"> <li>adds the <i>same</i> dependent (if child or parent), or</li> <li>a spouse (if the loss of a dependent was a spouse, as a Veteran cannot be paid for more than one spouse at any time).</li> </ul> </li> </ul>
3	<p>Prepare an administrative decision, documenting the period for which VA considers to be a VA administrative error or clear and unmistakable error using the administrative template determined in <a href="#">Table 5</a>.</p> <p>In the <i>Reasons and Bases</i> section of the administrative decision provide</p> <ul style="list-style-type: none"> <li>a brief description that the error resulted from the failed electronic dependency submission</li> <li>the date the error occurred as the date of receipt of the dependency claim that failed to be established, and</li> <li>the amount of additional benefits VA paid as a result of the error, using the dates identified in Step 1, and the amount determined in Step 2 of this table.</li> </ul> <p><b>References:</b> For more information on</p> <ul style="list-style-type: none"> <li>preparing administrative decisions, see <ul style="list-style-type: none"> <li><a href="#">M21-1, Part VI, Subpart i, 2.B.3.i</a>, and</li> <li><a href="#">M21-1, Part X, Subpart v, 1.C</a>.</li> </ul> </li> </ul>
4	<ul style="list-style-type: none"> <li>Submit the administrative decision for approval, according to the instructions in <a href="#">M21-1, Part VI, Subpart i, 2.B.3.h</a>.</li> <li>Go to the next step following receipt of approval.</li> </ul>

Commented [PKC(1)]: Hyperlink needed to excel doc.

5	<p>Adjust the beneficiary's award by eliminating the overpayment that resulted from the failed dependency submission by following the Steps in <a href="#">M21-1, Part VI, Subpart iii, 2.B.3.e</a>, through the dates identified in Step 1 of this table.</p> <p><b>Important:</b></p> <ul style="list-style-type: none"> <li>The claim processor must add a permanent claim-level note in VBMS to identify the total amount of overpayment eliminated based on the submission error. This note should be entered as <i>DEPWAV: &lt;total amount&gt;</i> entering the total amount removed as indicated in the administrative decision. For example, if the administrative decision determined the Veteran was overpaid \$75.00, the claim processor will enter a VBMS note that states "<i>DEPWAV: 75.00</i>". Do NOT enter additional information pertaining to the claim within this VBMS note.</li> <li>If the COLLECTION STATUS in eMPWR shows a status <i>other than</i> COLLECTIBLE the <a href="#">O2C Finance Memo Template</a> must be completed, uploaded to the eFolder, and sent to finance prior to authorization.</li> </ul>
6	Establish and clear an EP 960, using the date VA discovered the error as the date of claim.
7	Prepare a decision notice, including the determination of the administrative decision, and enclose a copy of the administrative decision.

**Important:** The following verbiage must be included in the notification letter introduction if the status of the award was *not* in a suspended or terminated status:

*The Veterans Benefits Administration (VBA) discovered a technical defect that affected one of your previous online application submissions. VBA completed a review of your electronic submissions and any supporting documentation. This decision addresses the application affected by that defect.*

**Table 7: Suspended or Terminated Award Actions**

If the failed submission application ...	And Veteran's award is suspended or terminated for ...	Then ...
<ul style="list-style-type: none"> <li>was previously adjudicated</li> <li>did <b>not</b> result in the loss of a dependent(s)/reduction of pension benefits or</li> <li>was processed <b>correctly</b> (i.e., all dependents addressed/correct effective dates applied), <i>and</i></li> <li>listed the failed dependency submission(s) as evidence in the decision notice</li> </ul>	any reason	<ul style="list-style-type: none"> <li>clear the EP 330</li> <li>input VBMS note: <i>Reviewed the EP 330 failed dependency submission. No action necessary. Claimed dependency changes were made in the &lt;insert date(s) of decision notice(s), and</i></li> <li>proceed no further.</li> </ul>
<ul style="list-style-type: none"> <li>was previously adjudicated</li> <li>did <b>not</b> result in the loss of a dependent(s)/reduction of pension benefits, <i>and</i></li> <li>was processed <b>incorrectly</b> solely due to the failed</li> </ul>	any reason <b>other than</b> death/Social Security Death Master File (DMF) match	<ul style="list-style-type: none"> <li>determine the proper EP control outlined in <a href="#">Table 2</a></li> <li>prepare and send a decision notice to confirm and continue the previous decision(s), ensuring to list the failed dependency submission application(s) as evidence in the decision notice that meets</li> </ul>

<p>dependency submission(s) not being listed as evidence on the decision notice</p>		<p>the requirements in <a href="#">M21-1, Part VI, Subpart i, 1.B.1.b</a> (to include review rights), and</p> <ul style="list-style-type: none"> <li>clear the EP.</li> </ul> <p><b>Note:</b> If the award is suspended due to disappearance or whereabouts unknown attempt to locate a current address. If a new address is not located send the decision notice to the last known address.</p>
	Social Security DMF match/death	<ul style="list-style-type: none"> <li>refer to <a href="#">M21-1, Part XIV 2.B</a> for procedures in processing the DMF match, and</li> <li>follow applicable guidance within this <a href="#">SOP</a>.</li> </ul>
<ul style="list-style-type: none"> <li>was not previously adjudicated, or</li> <li>was processed <b>incorrectly</b> that would require award action to correct (i.e., not all dependents addressed and/or incorrect effective dates applied)</li> </ul>	return to active duty	<ul style="list-style-type: none"> <li>follow applicable guidance within this <a href="#">SOP</a> to process the failed submission.</li> </ul> <p><b>Note:</b> Claims processors must consider applicable effective dates for return to active duty when processing the failed dependency submission.</p> <p><b>Reference:</b> For more information on termination of benefits due to return to active duty, see <a href="#">M21-1, Part X, Subpart v, 2.B</a>.</p>
	disappearance or returned essential mail	<ul style="list-style-type: none"> <li>follow the applicable guidance within <a href="#">M21-1, Part VI, Subpart iii, 4</a>, and/or <a href="#">M21-1, Part II, Subpart i, 2.C.6</a> in procedures for obtaining a correct address.</li> <li>If a correct address is found <ul style="list-style-type: none"> <li>take award action to restart the award, and</li> <li>follow the applicable guidance in this <a href="#">SOP</a>.</li> </ul> </li> <li>If a correct address is <i>not</i> found <ul style="list-style-type: none"> <li>prepare and upload to the eFolder, the <a href="#">No Address Found Memorandum</a></li> <li>edit the failed submission application SUBJECT to <i>UNADJUDICATED</i></li> <li>input a VBMS note summarizing the action(s) needed to properly adjudicate the failed submission, <i>and</i></li> <li>clear the EP 330.</li> </ul> </li> </ul>
	pending incompetency or appointment/change in fiduciary	<ul style="list-style-type: none"> <li>add the <i>Secondary Action Required</i> tracked item, pending resumption of the suspended payments, and</li> <li>follow the applicable guidance within this <a href="#">SOP</a> once payments have resumed.</li> </ul>



		<b>Reference:</b> For more information on suspending beneficiary payments pending the development of an incompetency issue or the appointment or change of a fiduciary, see <a href="#">M21-1, Part X, Subpart ii, 6.C.2.</a>
	Social Security DMF match/death	<ul style="list-style-type: none"> <li>• refer to <a href="#">M21-1, Part XIV 2.B</a> for procedures in processing the DMF match, and</li> <li>• follow applicable guidance within this <a href="#">SOP</a>.</li> </ul>

**Important:** If the failed submission resulted in the loss of a dependent(s) or reduction/termination of pension benefits, claims processors must follow the applicable guidance within this SOP in addition to taking the actions outlined in the last row of the above Table. The Table above accounts for the most common occurrences for a suspended or terminated award. Claims processors must use the guidance within M21-1 and this SOP for other circumstances in which an award is suspended or terminated.

**Table 8: Reviewing for Accrued When Veteran Has a Debt**

Follow the table below if the Veteran has passed and the failed dependency submission was adjudicated prior to their death and created an overpayment.

Step	Action						
1	<p>Was the failed submission application previously adjudicated and resulted in an overpayment of benefits?</p> <ul style="list-style-type: none"> <li>• If yes, go to next step</li> <li>• If no and Veteran is deceased, follow <a href="#">Table 4</a> for accrued claims.</li> </ul>						
2	<p>Review eMPWR-VA to see if recoupment of the debt began prior to their death and complete the actions in the table below.</p> <table border="1"> <thead> <tr> <th>If ...</th> <th>Then ...</th> </tr> </thead> <tbody> <tr> <td>yes</td> <td>Go to next step</td> </tr> <tr> <td>no and the survivor is not entitled to any other accrued benefit (due to claim pending before death, money withheld etc)</td> <td> <ul style="list-style-type: none"> <li>• Complete steps 3 and 4, and</li> <li>• clear EP 330 once finance has eliminated the debt that should not have been created and add VBMS note:</li> </ul> <p><i>Reviewed failed submission previously adjudicated that had overpayment. Memo sent to finance and debt associated with system error was cleared. No further action needed since recoupment of benefits did not begin prior to death.</i></p> </td> </tr> </tbody> </table>	If ...	Then ...	yes	Go to next step	no and the survivor is not entitled to any other accrued benefit (due to claim pending before death, money withheld etc)	<ul style="list-style-type: none"> <li>• Complete steps 3 and 4, and</li> <li>• clear EP 330 once finance has eliminated the debt that should not have been created and add VBMS note:</li> </ul> <p><i>Reviewed failed submission previously adjudicated that had overpayment. Memo sent to finance and debt associated with system error was cleared. No further action needed since recoupment of benefits did not begin prior to death.</i></p>
If ...	Then ...						
yes	Go to next step						
no and the survivor is not entitled to any other accrued benefit (due to claim pending before death, money withheld etc)	<ul style="list-style-type: none"> <li>• Complete steps 3 and 4, and</li> <li>• clear EP 330 once finance has eliminated the debt that should not have been created and add VBMS note:</li> </ul> <p><i>Reviewed failed submission previously adjudicated that had overpayment. Memo sent to finance and debt associated with system error was cleared. No further action needed since recoupment of benefits did not begin prior to death.</i></p>						

	no and the survivor may be entitled to other accrued benefits	• complete steps 3 and 4, and skip to step 6
3	<ul style="list-style-type: none"> <li>• Complete the actions in Steps 1 through 4 of <a href="#">Table 6</a> to eliminate the debt created from the delay in processing the failed dependency submission. Use the <a href="#">CUE Administrative Decision Template</a>.</li> <li>• Once the administrative decision is approved go to next step.</li> </ul> <p><b>Note:</b> If the debt had not begun to be collected prior to the Veteran's death use the <a href="#">Administrative Decision-Previously Adjudicated Template</a> (if less than 180 days has passed since the debt decision notice or the <a href="#">CUE Administrative Decision Template</a> for 180 days or more).</p>	
4	<ul style="list-style-type: none"> <li>• Send a memo to finance to eliminate the portion of the debt caused by the delay in processing the failed dependency submission. Use the <a href="#">Deceased Veteran Finance Memo Template</a>. Both documents (memo/ administrative decision) must be uploaded to VBMS.</li> <li>• Go to next step or clear EP after finance eliminates the debt (if not entitled to any other accrued)</li> </ul>	
5	<p>Review eMPWR-VA to determine how much of the total debt has been repaid.</p> <p>Did the deceased Veteran repay the full amount of the debt or more than the amount of debt they incurred as a result of not submitting a timely dependency claim?</p> <ul style="list-style-type: none"> <li>• If yes, go to next step</li> <li>• If no, and the survivor is not entitled to any other accrued benefit, clear EP 330 once finance has eliminated the debt that should not have been created and add VBMS note: <i>Reviewed failed submission previously adjudicated that had overpayment. Memo sent to finance and the debt associated with the system error was cleared. No further action needed since the Veteran still owes VA money.</i></li> <li>• If no, and the survivor is entitled to other accrued benefit go to next step.</li> </ul> <p><b>Example:</b> Veteran total debt is \$10,000. Before their death they paid \$2,500. The portion of debt due to the delay in processing the failed dependency submission was \$8,000, which would have been eliminated with the administrative decision. The Veteran owed VA \$2,000.</p> <p><b>Result:</b> The \$500 the Veteran paid in excess of the debt they incurred of \$2,000 is now payable as accrued to any of the survivors as long as there is no other debt. This money can be paid in addition to any other accrued benefit owed.</p>	
6	<ul style="list-style-type: none"> <li>• Follow Steps 2 through 6 of <a href="#">Table 4</a> to review for accrued application, established the proper EP and add any other accrued amount the survivor is entitled to.</li> <li>• Promulgate the accrued award once finance has cleared the portion of the Veteran's debt associated with the delay in processing the failed dependency submission.</li> <li>• Send claim and decision notice for final authorization.</li> </ul>	

	<p><b>Important:</b> If the deceased Veteran still owed VA money but the other accrued entitlement is more than the debt owed, pay the survivor the difference. If the total debt is greater then there is no accrued payable.</p> <p><b>Example:</b> Veteran's total debt is \$10,000. Before their death they paid \$1,000. The portion of the debt due to the delay in processing the failed dependency submission was \$8,000, which would have been eliminated with the administrative decision. The Veteran owed VA \$2,000, of which only \$1,000 was paid. The Veteran had a pension claim pending which would have granted them \$5,000. Veteran has no other debt.</p> <p><b>Result:</b> The survivor is entitled to accrued benefits of \$4,000 (if based on relationship or if based on reimbursement and they paid that amount or more in last illness or funeral. This is \$5,000 -\$1,000 (debt Veteran still owed).</p>
--	---

**Questions:**

Questions should be submitted as follows:

Business Line	POC
OFO	<a href="#">VAVBAWAS/CO/OFO</a>
CS	<a href="#">VAVBAWAS/CO/211_Policy</a>
P&F Services	<a href="#">Field Inquiry Tool (FIT)</a>
OAR	<a href="mailto:OARADMIN.VBAWAS@va.gov">OARADMIN.VBAWAS@va.gov</a>

Enclosure: [Dependency Notification Letter – No Action Needed](#)

Enclosure: [Administrative Decision Template](#)

[Enclosure: Administrative Decision Template – Previously Adjudicated](#)

[Enclosure: CUE Administrative Decision Template](#)

[Enclosure: No Address Found Memorandum Template](#)

[Enclosure: 02C Finance Memo Template](#)

[Enclosure: Deceased Veteran Finance Memo Template](#)

[Enclosure: Failed Dependency Submission eMPWR-VA Job Aid](#)

<Today's\_Date>

<Veteran Name  
Address  
City State Zip>

In reply, refer to:  
<RO/Division/Initials  
File Num XXXXXXXXX  
Veteran Last Name, first  
Initial>

<Salutation>

The Veterans Benefits Administration (VBA) discovered a technical defect that affected one of your previous online application submissions. We previously notified you VBA would conduct a thorough review of your record to ensure the claim you filed related to your dependents was accepted and processed. This letter addresses the findings of the review related to the affected application(s).

We received your "VA Form 21-686, Application to Add and/or Remove Dependents/VA Form 21-674, Request for Approval of School Attendance" on <Date\_of\_Request>.

A review of your file revealed that we have already processed your claim for dependents. You were notified of the decision on <date of decision notice>. Please refer to that letter for the decision made on the claim. No additional changes were found to be needed.

If you have any questions or need assistance, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do.
Telephone	Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.
Use the Internet	Send electronic inquiries through the Internet at <a href="https://www.va.gov/contact-us/">https://www.va.gov/contact-us/</a> .
Write	VA now uses a centralized mail system. For all written communications, put your full name and VA file number on the letter. Please mail all written correspondence to the appropriate address listed on the attached <i>Where to Send Written Correspondence</i> .

In all cases, be sure to refer to your VA file number, <XXXXXXXXXX>.

If you are looking for general information about benefits and eligibility, you should visit our website at <http://www.va.gov>.

We sent a copy of this letter to your representative, (POA), whom you can also contact if you have questions or need assistance.

OR

We have no record of you appointing a service organization or representative to assist you with your claim. You can contact us for a listing of the recognized Veterans' Service Organizations and/or representatives or search for one here: <https://www.va.gov/ogc/apps/accreditation/index.asp>. Veterans' Service Organizations, which are recognized or approved to provide services to the Veteran community, can also help you with any questions.

Sincerely yours,

**Regional Office Director**

Enclosures: Where to Send Written Correspondence

cc: <POA>

DEPARTMENT OF VETERANS AFFAIRS  
[Designation of VA Office]  
[Location of VA Office]

[File Number]  
[Veteran's Name]

#### ADMINISTRATIVE DECISION

**ISSUE:** Administrative error due to a failed electronic dependency claim submission.

**EVIDENCE:** [List all documents and information reviewed in making the decision using the evidentiary naming conventions prescribed in [M21-1, Part V, Subpart iv, 1.A.4.c.](#)]

**Examples:**

- VA Form 21-686c, *Application Request to Add and/or Remove Dependents*, received on January 17, 2017.
- VA Form 21-674, *Request for Approval of School Attendance*, received on January 17, 2017.

**PERTINENT LAWS AND REGULATIONS:** [List all laws and regulations applicable to the decided issue.]

38 C.F.R. § 3.500(b)(2) [include in all]

The effective date of a rating which results in the reduction or discontinuance of an award will be in accordance with the facts found except as provided in § 3.105. The effective date of reduction or discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a payee or dependent will be the earliest of the dates stated in these paragraphs unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit.

(b) Error; payee's or administrative (38 U.S.C. 5112(b), (9), (10)).

(2) Except as provided in paragraph (r) of this section, and § 3.501 (e) and (g), date of last payment on an erroneous award based solely on administrative error or error in judgment.

**Additional Citations [include as appropriate]:** 38 C.F.R. § 3.500(g)(2)(ii) [death]

Death on or after October 1, 1982: last day of the month in which death occurred, except that section 306 and old-law pension reductions or terminations will continue to be effective the last day of the calendar year in which death occurred.

38 C.F.R. § 3.500(n)(2)(ii) **[marriage]**

Marriage on or after October 1, 1982: last day of the month in which marriage occurred, except that section 306 and old-law pension reductions or terminations will continue to be effective the last day of the calendar year in which marriage occurred.

38 C.F.R. § 3.501(d)(2) **[divorce]**

Divorce or annulment on or after October 1, 1982: last day of the month in which divorce or annulment occurred, except that section 306 and old-law pension reductions or terminations will continue to be effective the last day of the calendar year in which divorce or annulment occurred.

38 C.F.R. § 3.667(c) **[termination of school attendance]**

(c) Ending dates. Except as provided in paragraph (b) of this section, benefits may be authorized through the last day of the month in which a course was or will be completed.

38 C.F.R. § 3.660(a) **[pension and parental dependency]**

(a) Reduction or discontinuance —

(1) General. A veteran, surviving spouse or child who is receiving pension, or a parent who is receiving compensation or dependency and indemnity compensation must notify the Department of Veterans Affairs of any material change or expected change in his or her income or other circumstances which would affect his or her entitlement to receive, or the rate of, the benefit being paid. Such notice must be furnished when the recipient acquires knowledge that he or she will begin to receive additional income or when his or her marital or dependency status changes. In pension claims subject to § 3.252(b) or § 3.274 and in compensation claims subject to § 3.250(a)(2), notice must be furnished of any material increase in corpus of the estate or net worth.

(2) Effective dates. Where reduction or discontinuance of a running award of section 306 pension or old-law pension is required because dependency of another person ceased due to marriage, annulment, divorce or death, or because of an increase in income, which increase could not reasonably have been anticipated based on the amount actually received from that source the year before, the reduction or discontinuance shall be made effective the end of the year in which the increase occurred. Where reduction or discontinuance of a running award of improved pension or dependency and indemnity compensation is required because of an increase in income, the reduction or discontinuance shall be made effective the end of the month in which the increase occurred. Where reduction or discontinuance of a running award of any benefit is required because of an increase in net worth or corpus of estate, because dependency of a parent ceased, or because dependency of another person ceased prior to October 1, 1982, due to marriage, annulment, divorce, or death, the award shall be reduced or discontinued effective the last day of the calendar year in which the increase occurred, or dependency ceased. Except as noted in this subparagraph for section 306 or old-law pension, where the dependency of another person ceased on or after October 1, 1982, due to marriage, annulment, divorce or

death, the reduction or discontinuance shall be effective the last day of the month in which dependency ceased.

**DECISION: [Insert in all decisions]**

A failed online application submission caused administrative error to occur from [insert date of the failed submission] to [insert date last paid]; therefore, the overpayment of [insert total amount determined in Step 2, last row of Table 3] is not subject to recoupment.

**REASONS AND BASES: [The reasons and bases section must be included on all administrative decisions, including favorable ones. Adjust language as appropriate for the scenario.]**

You submitted [insert form name] on [date of submission failure], reporting the [death, divorce, marriage, discontinuance of school attendance] of [dependent's name]. This submission was affected by an electronic submission technical defect.

38 CFR [identify applicable citation] requires reduction based upon the dependency change due to [death, divorce, marriage, discontinuance of school attendance] be effective the last day of the month in which the event occurred, therefore [dependent's name] has been removed as a dependent [award effective date].

Due to the electronic submission defect VA erroneously paid [amount determined in Step 2, last row of Table 3]. This amount represents the timeframe that elapsed from the date of receipt of your notification to VA of the change in dependency through the last payment date of your VA benefits. The defect, which was purely due to a VA system error where VA effectively overlooked the submitted information, constitutes an administrative error. It is determined that this amount is no fault of your own, was solely based upon the electronic submission defect, and therefore is determined to be an administrative error under the provisions of 38 CFR 3.500(b)(2).

*All elements required to decide the issue of if an administrative error occurred were met, and all findings were favorable to the claimant.*



**ADMINISTRATIVE DECISION**

**ISSUE:** Administrative error due to a failed electronic dependency claim submission.

**EVIDENCE:**

- VA Form

**PERTINENT LAWS AND REGULATIONS:**

38 C.F.R. § 3.500(b)(2)

The effective date of a rating which results in the reduction or discontinuance of an award will be in accordance with the facts found except as provided in § 3.105. The effective date of reduction or discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a payee or dependent will be the earliest of the dates stated in these paragraphs unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit.

(b) Error; payee's or administrative (38 U.S.C. 5112(b), (9), (10)).

(2) Except as provided in paragraph (r) of this section, and § 3.501 (e) and (g), date of last payment on an erroneous award based solely on administrative error or error in judgment.

**DECISION:**

A failed online application submission caused administrative error to occur from [insert date of the failed submission] to [insert date last paid]; therefore, the overpayment of [insert total amount determined in Step 2, last row of Table 3] is not subject to recoupment.

**REASONS AND BASES:**

*You submitted [insert form name] on [date of submission failure], reporting the [death, divorce, marriage, discontinuance of school attendance] of [dependent's name]. This submission was affected by an electronic submission technical defect.*

*38 CFR [identify applicable citation] requires reduction based upon the dependency change due to [death, divorce, marriage, discontinuance of school attendance] be effective the last day of the month in which the event occurred, therefore [dependent's name] has been removed as a dependent [award effective date].*

*Due to the electronic submission defect VA erroneously paid [amount determined in Step 2, last row of Table 3]. This amount represents the timeframe that elapsed from the date of receipt of your notification to VA of the change in dependency through the last payment date of your VA benefits. The defect, which was purely due to a VA system error where VA effectively overlooked the submitted information, constitutes an administrative error. It is determined that*

*this amount is no fault of your own, was solely based upon the electronic submission defect, and therefore is determined to be an administrative error under the provisions of 38 CFR 3.500(b)(2).*

*All elements required to decide the issue of **if an administrative error occurred** were met, and all findings were favorable to the claimant.*

DEPARTMENT OF VETERANS AFFAIRS  
[Designation of VA Office]  
[Location of VA Office]

[File Number]  
[Veteran's Name]

### ADMINISTRATIVE DECISION

**ISSUE:** Administrative error due to a failed electronic dependency claim submission.

**EVIDENCE:**

- VA Form
- Dependency Decision Notice
- Any other relevant evidence relating to the dependency debt created

**PERTINENT LAWS AND REGULATIONS:**

38 C.F.R. § 3.500(b)(2)

The effective date of a rating which results in the reduction or discontinuance of an award will be in accordance with the facts found except as provided in § 3.105. The effective date of reduction or discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a payee or dependent will be the earliest of the dates stated in these paragraphs unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit.

(b) Error; payee's or administrative (38 U.S.C. 5112(b), (9), (10)).

(2) Except as provided in paragraph (r) of this section, and § 3.501 (e) and (g), date of last payment on an erroneous award based solely on administrative error or error in judgment.

**DECISION:**

A failed online application submission caused administrative error to occur from [insert date of the failed submission] to [insert date last paid as of the date of the award action that removed or added (for pension) the dependent(s)]; therefore, the overpayment of [insert amount of overpayment] is not subject to recoupment.

**REASONS AND BASES:**

*The Veteran submitted [insert form name] on [date of submission failure], reporting the [death, divorce, marriage, discontinuance of school attendance] of [dependent's name]. This submission was affected by an electronic submission technical defect.*

*38 CFR [identify applicable citation] requires reduction based upon the dependency change due to [death, divorce, marriage, discontinuance of school attendance] be effective the last day of the month in which the event occurred, therefore [dependent's name] was removed [or added (for pension)] as a dependent [and their income was counted (for pension)] [award effective date]. The Veteran was notified of this decision on [date of decision notice]*

*Due to the electronic submission defect VA erroneously paid [insert amount of overpayment determined]. This amount represents the timeframe that elapsed from the date of receipt of the Veteran's notification to VA of the change in dependency through the last payment date of the Veteran's VA benefits as of the date [dependent's name] was removed [or added (for pension)]. The defect, which was purely due to a VA system error where VA effectively overlooked the submitted information, constitutes an administrative error. It is determined that this amount is no fault of the Veteran, was solely based upon the electronic submission defect, and therefore is determined to be an administrative error under the provisions of 38 CFR 3.500(b)(2).*

*All elements required to decide the issue of **if an administrative error occurred** were met, and all findings were favorable to the claimant.*

DEPARTMENT OF VETERANS AFFAIRS  
[Designation of VA Office]  
[Location of VA Office]

[File Number]  
[Veteran's Name]

### ADMINISTRATIVE DECISION

**ISSUE:** Administrative error due to a failed electronic dependency claim submission.

**EVIDENCE:** [List all documents and information reviewed in making the decision using the evidentiary naming conventions prescribed in [M21-1, Part V, Subpart iv, 1.A.4.c.](#)]

**Examples:**

- VA Form 21-686c, *Application Request to Add and/or Remove Dependents*, received on January 17, 2017.
- VA Form 21-674, *Request for Approval of School Attendance*, received on January 17, 2017.
- *Dependency Decision Notice*
- *Any other relevant evidence relating to the dependency debt created*

**PERTINENT LAWS AND REGULATIONS:** [List all laws and regulations applicable to the decided issue.]

38 C.F.R. § 3.500(b)(2) **[include in all]**

The effective date of a rating which results in the reduction or discontinuance of an award will be in accordance with the facts found except as provided in § 3.105. The effective date of reduction or discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a payee or dependent will be the earliest of the dates stated in these paragraphs unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit.

(b) Error; payee's or administrative (38 U.S.C. 5112(b), (9), (10)).

(2) Except as provided in paragraph (r) of this section, and § 3.501 (e) and (g), date of last payment on an erroneous award based solely on administrative error or error in judgment.

**Additional Citations [include as appropriate]:** 38 C.F.R. § 3.500(g)(2)(ii) **[death]**

Death on or after October 1, 1982: last day of the month in which death occurred, except that section 306 and old-law pension reductions or terminations will continue to be effective the last day of the calendar year in which death occurred.

38 C.F.R. § 3.500(n)(2)(ii) **[marriage]**

Marriage on or after October 1, 1982: last day of the month in which marriage occurred, except that section 306 and old-law pension reductions or terminations will continue to be effective the last day of the calendar year in which marriage occurred.

38 C.F.R. § 3.501(d)(2) **[divorce]**

Divorce or annulment on or after October 1, 1982: last day of the month in which divorce or annulment occurred, except that section 306 and old-law pension reductions or terminations will continue to be effective the last day of the calendar year in which divorce or annulment occurred.

38 C.F.R. § 3.667(c) **[termination of school attendance]**

(c) Ending dates. Except as provided in paragraph (b) of this section, benefits may be authorized through the last day of the month in which a course was or will be completed.

38 C.F.R. § 3.660(a) **[pension and parental dependency]**

(a) Reduction or discontinuance —

(1) General. A veteran, surviving spouse or child who is receiving pension, or a parent who is receiving compensation or dependency and indemnity compensation must notify the Department of Veterans Affairs of any material change or expected change in his or her income or other circumstances which would affect his or her entitlement to receive, or the rate of, the benefit being paid. Such notice must be furnished when the recipient acquires knowledge that he or she will begin to receive additional income or when his or her marital or dependency status changes. In pension claims subject to § 3.252(b) or § 3.274 and in compensation claims subject to § 3.250(a)(2), notice must be furnished of any material increase in corpus of the estate or net worth.

(2) Effective dates. Where reduction or discontinuance of a running award of section 306 pension or old-law pension is required because dependency of another person ceased due to marriage, annulment, divorce or death, or because of an increase in income, which increase could not reasonably have been anticipated based on the amount actually received from that source the year before, the reduction or discontinuance shall be made effective the end of the year in which the increase occurred. Where reduction or discontinuance of a running award of improved pension or dependency and indemnity compensation is required because of an increase in income, the reduction or discontinuance shall be made effective the end of the month in which the increase occurred. Where reduction or discontinuance of a running award of any benefit is required because of an increase in net worth or corpus of estate, because dependency of a parent ceased, or because dependency of another person ceased prior to October 1, 1982, due to marriage, annulment, divorce, or death, the award shall be reduced or discontinued effective the last day of the calendar year in which the increase occurred, or dependency ceased. Except as noted in this subparagraph for section 306 or old-law pension, where the dependency of another person ceased on or after October 1, 1982, due to marriage, annulment, divorce or death, the reduction or discontinuance shall be effective the last day of the month in which dependency ceased.

**DECISION: [Insert in all decisions]**

A failed online application submission caused administrative error to occur from [insert date of the failed submission] to [insert date last paid as of the date of the award action that removed or added (for pension) the dependent(s)]; therefore, the overpayment of [insert amount of overpayment] is not subject to recoupment.

**REASONS AND BASES: [The reasons and bases section must be included on all administrative decisions, including favorable ones. Adjust language as appropriate for the scenario.]**

*The Veteran submitted [insert form name] on [date of submission failure], reporting the [death, divorce, marriage, discontinuance of school attendance] of [dependent's name]. This submission was affected by an electronic submission technical defect.*

*38 CFR [identify applicable citation] requires reduction based upon the dependency change due to [death, divorce, marriage, discontinuance of school attendance] be effective the last day of the month in which the event occurred, therefore [dependent's name] was removed [or added (for pension)] as a dependent [and their income was counted (for pension)] [award effective date]. The Veteran was notified of this decision on [date of decision notice]*

*Due to the electronic submission defect VA erroneously paid [insert amount of overpayment determined]. This amount represents the timeframe that elapsed from the date of receipt of the Veteran's notification to VA of the change in dependency through the last payment date of the Veteran's VA benefits as of the date [dependent's name] was removed [or added (for pension)]. The defect, which was purely due to a VA system error where VA effectively overlooked the submitted information, constitutes an administrative error. It is determined that this amount is no fault of the Veteran, was solely based upon the electronic submission defect, and therefore is determined to be an administrative error under the provisions of 38 CFR 3.500(b)(2).*

*All elements required to decide the issue of **if an administrative error occurred** were met, and all findings were favorable to the claimant.*

**ADMINISTRATIVE DECISION**

**ISSUE:** Clear and unmistakable error due to a failed electronic dependency claim submission.

**EVIDENCE:**

- *VA Form*
- *Dependency Decision Notice*
- *Dependency Debt Decision Notice*
- *Any other relevant evidence relating to the dependency debt created*

**PERTINENT LAWS AND REGULATIONS:**

38 C.F.R. § 3.105(a)(1)(iii)

The provisions of this section apply except where an award was based on an act of commission or omission by the payee, or with his or her knowledge (§ 3.500(b)); there is a change in law or a Department of Veterans Affairs issue, or a change in interpretation of law or a Department of Veterans Affairs issue (§ 3.114); or the evidence establishes that service connection was clearly illegal. The provisions with respect to the date of discontinuance of benefits are applicable to running awards. Where the award has been suspended, and it is determined that no additional payments are in order, the award will be discontinued effective date of last payment.

(a) Error in final decisions. Decisions are final when the underlying claim is finally adjudicated as provided in § 3.160(d). Final decisions will be accepted by VA as correct with respect to the evidentiary record and the law that existed at the time of the decision, in the absence of clear and unmistakable error. At any time after a decision is final, the claimant may request, or VA may initiate, review of the decision to determine if there was a clear and unmistakable error in the decision. Where evidence establishes such error, the prior decision will be reversed or amended.

(i) Definition of clear and unmistakable error. A clear and unmistakable error is a very specific and rare kind of error. It is the kind of error, of fact or of law, that when called to the attention of later reviewers compels the conclusion, to which reasonable minds could not differ, that the result would have been manifestly different but for the error. If it is not absolutely clear that a different result would have ensued, the error complained of cannot be clear and unmistakable. Generally, either the correct facts, as they were known at the time, were not before VA, or the statutory and regulatory provisions extant at the time were incorrectly applied.

(ii) Effective date of reversed or revised decisions. For the purpose of authorizing benefits, the rating or other adjudicative decision which constitutes a reversal or revision of a prior decision on the grounds of clear and unmistakable error has the same effect as if the corrected decision had been made on the date of the reversed decision. Except



as provided in paragraphs (d) and (e) of this section, where an award is reduced or discontinued because of administrative error or error in judgment, the provisions of § 3.500(b)(2) will apply.

(iii) Record to be reviewed. Review for clear and unmistakable error in a prior final decision of an agency of original jurisdiction must be based on the evidentiary record and the law that existed when that decision was made. The duty to assist in § 3.159 does not apply to requests for revision based on clear and unmistakable error.

#### **DECISION:**

A clear and unmistakable error occurred in the decision to recoup the overpayment of [insert overpayment amount determined], which is the amount of overpayment that resulted from delayed processing due to a failed online application submission, [insert date of the failed submission] to [insert the LAST PAID DATE as of the date of the award action taken to remove or add (for pension) the dependent(s)].

#### **REASONS AND BASES:**

*A clear and unmistakable error (CUE) is an error that is undebatable, so that reasonable minds could not differ. A determination of CUE must be based on the record and the law that existed at the time of the prior decision. Such error must have been prejudicial to the claimant. Once a determination is made that there was a CUE in a prior decision that would change the outcome of that decision, that decision must be corrected as if the former error had not been made. (38 CFR 3.105)*

*The Veteran submitted [insert form name] on [date of submission failure], reporting the [death, divorce, marriage, discontinuance of school attendance] of [dependent's name]. This submission was affected by an electronic submission technical defect, a fact that was not known to VA at the time the decision was made to recoup the full amount of overpayment created due to the loss of [dependent's name] [or addition of [dependent's name] and their income (for pension)].*

*38 CFR [identify applicable citation] requires reduction based upon the dependency change due to [death, divorce, marriage, discontinuance of school attendance] be effective the last day of the month in which the event occurred, therefore [dependent's name] was removed [or added (for pension)] as a dependent [award effective date].*

*Due to the electronic submission defect, VA erroneously overpaid the Veteran [insert overpayment amount determined]. This amount accounts for payments received during the timeframe that elapsed from the date of receipt of the Veteran's notification to VA of the change in dependency through the last payment date of the Veteran's VA benefits at the time VA took action to remove [or add (for pension)] [dependent's name]. The defect, which was purely due to a VA system error that was not known to VA at the time the decision was made to recoup this amount, constitutes a clear and unmistakable error. It is determined that this amount was improperly paid through no fault of the Veteran, was solely based upon the electronic submission defect not known to VA at the time of the decision to recoup, and therefore is determined to be a clear and unmistakable error under the provisions of 38 CFR 3.105(a)(1).*

*All elements required to decide the issue of **if a clear and unmistakable error occurred** were met, and all findings were favorable to the claimant.*

DEPARTMENT OF VETERANS AFFAIRS  
[Designation of VA Office]  
[Location of VA Office]

[File Number]  
[Veteran's Name]

### ADMINISTRATIVE DECISION

**ISSUE:** Clear and unmistakable error due to a failed electronic dependency claim submission.

**EVIDENCE:** [List all documents and information reviewed in making the decision using the evidentiary naming conventions prescribed in [M21-1, Part V, Subpart iv, 1.A.4.c.](#)]

**Examples:**

- *VA Form 21-686c, Application Request to Add and/or Remove Dependents*, received on January 17, 2017.
- *VA Form 21-674, Request for Approval of School Attendance*, received on January 17, 2017.
- *Dependency Decision Notice*
- *Dependency Debt Decision Notice*
- *Any other relevant evidence relating to the dependency debt created*

**PERTINENT LAWS AND REGULATIONS:** [List all laws and regulations applicable to the decided issue.]

38 C.F.R. § 3.105(a)(1)(iii) [include in all]

The provisions of this section apply except where an award was based on an act of commission or omission by the payee, or with his or her knowledge (§ 3.500(b)); there is a change in law or a Department of Veterans Affairs issue, or a change in interpretation of law or a Department of Veterans Affairs issue (§ 3.114); or the evidence establishes that service connection was clearly illegal. The provisions with respect to the date of discontinuance of benefits are applicable to running awards. Where the award has been suspended, and it is determined that no additional payments are in order, the award will be discontinued effective date of last payment.

(a) Error in final decisions. Decisions are final when the underlying claim is finally adjudicated as provided in § 3.160(d). Final decisions will be accepted by VA as correct with respect to the evidentiary record and the law that existed at the time of the decision, in the absence of clear and unmistakable error. At any time after a decision is final, the claimant may request, or VA may initiate, review of the decision to determine if there was a clear and unmistakable error in the decision. Where evidence establishes such error, the prior decision will be reversed or amended.

(i) Definition of clear and unmistakable error. A clear and unmistakable error is a very specific and rare kind of error. It is the kind of error, of fact or of law, that when called to the attention of later reviewers compels the conclusion, to which reasonable minds could not differ, that the result would have been manifestly different but for the error. If it is not absolutely clear that a different result would have ensued, the error complained of cannot be clear and unmistakable. Generally, either the correct facts, as they were known at the time, were not

before VA, or the statutory and regulatory provisions extant at the time were incorrectly applied.

(ii) Effective date of reversed or revised decisions. For the purpose of authorizing benefits, the rating or other adjudicative decision which constitutes a reversal or revision of a prior decision on the grounds of clear and unmistakable error has the same effect as if the corrected decision had been made on the date of the reversed decision. Except as provided in paragraphs (d) and (e) of this section, where an award is reduced or discontinued because of administrative error or error in judgment, the provisions of § 3.500(b)(2) will apply.

(iii) Record to be reviewed. Review for clear and unmistakable error in a prior final decision of an agency of original jurisdiction must be based on the evidentiary record and the law that existed when that decision was made. The duty to assist in § 3.159 does not apply to requests for revision based on clear and unmistakable error.

***Additional Citations [include as appropriate]:***38 C.F.R. § 3.500(g)(2)(ii) **[death]**

Death on or after October 1, 1982: last day of the month in which death occurred, except that section 306 and old-law pension reductions or terminations will continue to be effective the last day of the calendar year in which death occurred.

**38 C.F.R. § 3.500(n)(2)(ii) [marriage]**

Marriage on or after October 1, 1982: last day of the month in which marriage occurred, except that section 306 and old-law pension reductions or terminations will continue to be effective the last day of the calendar year in which marriage occurred.

**38 C.F.R. § 3.501(d)(2) [divorce]**

Divorce or annulment on or after October 1, 1982: last day of the month in which divorce or annulment occurred, except that section 306 and old-law pension reductions or terminations will continue to be effective the last day of the calendar year in which divorce or annulment occurred.

**38 C.F.R. § 3.667(c) [termination of school attendance]**

(c) Ending dates. Except as provided in paragraph (b) of this section, benefits may be authorized through the last day of the month in which a course was or will be completed.

**38 C.F.R. § 3.660(a) [pension and parental dependency]**

(a) Reduction or discontinuance —

(1) General. A veteran, surviving spouse or child who is receiving pension, or a parent who is receiving compensation or dependency and indemnity compensation must notify the Department of Veterans Affairs of any material change or expected change in his or her income or other circumstances which would affect his or her entitlement to receive, or the rate of, the benefit being paid. Such notice must be furnished when the recipient acquires knowledge that he or she will begin to receive

additional income or when his or her marital or dependency status changes. In pension claims subject to § 3.252(b) or § 3.274 and in compensation claims subject to § 3.250(a)(2), notice must be furnished of any material increase in corpus of the estate or net worth.

(2) Effective dates. Where reduction or discontinuance of a running award of section 306 pension or old-law pension is required because dependency of another person ceased due to marriage, annulment, divorce or death, or because of an increase in income, which increase could not reasonably have been anticipated based on the amount actually received from that source the year before, the reduction or discontinuance shall be made effective the end of the year in which the increase occurred. Where reduction or discontinuance of a running award of improved pension or dependency and indemnity compensation is required because of an increase in income, the reduction or discontinuance shall be made effective the end of the month in which the increase occurred. Where reduction or discontinuance of a running award of any benefit is required because of an increase in net worth or corpus of estate, because dependency of a parent ceased, or because dependency of another person ceased prior to October 1, 1982, due to marriage, annulment, divorce, or death, the award shall be reduced or discontinued effective the last day of the calendar year in which the increase occurred, or dependency ceased. Except as noted in this subparagraph for section 306 or old-law pension, where the dependency of another person ceased on or after October 1, 1982, due to marriage, annulment, divorce or death, the reduction or discontinuance shall be effective the last day of the month in which dependency ceased.

**DECISION: [Insert in all decisions]**

A clear and unmistakable error occurred in the decision to recoup the overpayment of [insert overpayment amount determined], which is the amount of overpayment that resulted from delayed processing due to a failed online application submission, [insert date of the failed submission] to [insert the LAST PAID DATE as of the date of the award action taken to remove or add (for pension) the dependent(s)].

**REASONS AND BASES: [The reasons and bases section must be included on all administrative decisions, including favorable ones. Adjust language as appropriate for the scenario.]**

*A clear and unmistakable error (CUE) is an error that is undebatable, so that reasonable minds could not differ. A determination of CUE must be based on the record and the law that existed at the time of the prior decision. Such error must have been prejudicial to the claimant. Once a determination is made that there was a CUE in a prior decision that would change the outcome of that decision, that decision must be corrected as if the former error had not been made. (38 CFR 3.105)*

*The Veteran submitted [insert form name] on [date of submission failure], reporting the [death, divorce, marriage, discontinuance of school attendance] of [dependent's name]. This submission was affected by an electronic submission technical defect, a fact that was not known to VA at the time the decision was made to recoup the full amount of overpayment created due to the loss of [dependent's name] [or addition of [dependent's name] and their income (for pension)].*

38 CFR [identify applicable citation] requires reduction based upon the dependency change due to [death, divorce, marriage, discontinuance of school attendance] be effective the last day of the month in which the event occurred, therefore [dependent's name] was removed [or added (for pension)] as a dependent [award effective date].

Due to the electronic submission defect, VA erroneously overpaid the Veteran [insert overpayment amount determined]. This amount accounts for payments received during the timeframe that elapsed from the date of receipt of the Veteran's notification to VA of the change in dependency through the last payment date of the Veteran's VA benefits at the time VA took action to remove [or add (for pension)] [dependent's name]. The defect, which was purely due to a VA system error that was not known to VA at the time the decision was made to recoup this amount, constitutes a clear and unmistakable error. It is determined that this amount was improperly paid through no fault of the Veteran, was solely based upon the electronic submission defect not known to VA at the time of the decision to recoup, and therefore is determined to be a clear and unmistakable error under the provisions of 38 CFR 3.105(a)(1).

All elements required to decide the issue of **if a clear and unmistakable error occurred** were met, and all findings were favorable to the claimant.



# Memorandum

Date:

Subj: Failed Dependency Submission - ACTION REQUIRED

VA File Number:

Veteran's Name:

Claimant's Name (if applicable):

Claimant's Address (if applicable):

VA Form [21-686c, *Application Request to Add and/or Remove Dependents* or 21-674, *Request for Approval of School Attendance*], received on [date], was affected by technical defects in VA online application submission platforms. The associated claim requires corrective actions in accordance with the Failed Dependency Submissions Standard Operating Procedure. These actions could not be taken as of the date of this memorandum due to the award being in a [suspended or terminated] state. ***Should the Veteran's award be resumed in the future, appropriate corrective actions should be taken at that time.***

[Provide a brief summary of corrective actions identified.]

Signature \_\_\_\_\_

(claims processor)

Dependency Submission Failures SOP  
Veterans Benefits Administration

October 2023  
Page 46 of 50



# Memorandum

Date:

From:

Subj: 02C request

To: Finance

VA File Number:

Veteran's Name:

Claimant's Name (if applicable):

Claimant's Address (if applicable):

The beneficiary has an overpayment dated [DISCOVERY DATE in eMPWR-VA], in the amount of [BALANCE DUE in eMPWR-VA] that is in a status other than Collectible. PMC/VSC action will result in a retroactive payment that would eliminate or reduce the overpayment. Please perform 02C action to make the overpayment collectible.

1st Signature \_\_\_\_\_

(VSR) - required in all cases



# Memorandum

Date:

From:

Subj:

To: Finance

VA File Number:

Veteran's Name:

Claimant's Name (if applicable):

Claimant's Address (if applicable):

The deceased Veteran has an overpayment that resulted from a failed dependency submission. The Under Secretary for Benefits has authorized application of administrative error procedures to eliminate or refund debts from the date the failed dependency submission occurred to the end date of a previously established debt. Since the Veteran has passed, please perform the action necessary to eliminate this debt. Please provide confirmation when the action is completed.

Total debt to be eliminated: \_\_\_\_\_

Dates (to and from): \_\_\_\_\_

1st Signature \_\_\_\_\_

(VSR) - required in all cases

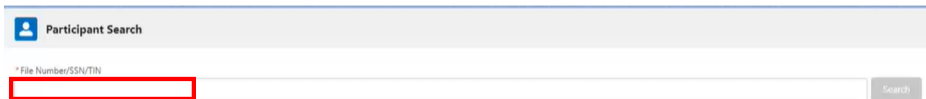


### **Failed Dependency Submission eMPWR-VA Job Aid**

The information below is intended as an aid in using eMPWR to review information concerning debts when processing failed dependency submissions. This is not intended to supersede or replace the eMPWR-VA User Guide or any other training related material.

Click on the link to access [eMPWR-VA](#) and training-related material.

Once opened enter the file number or Social Security number:

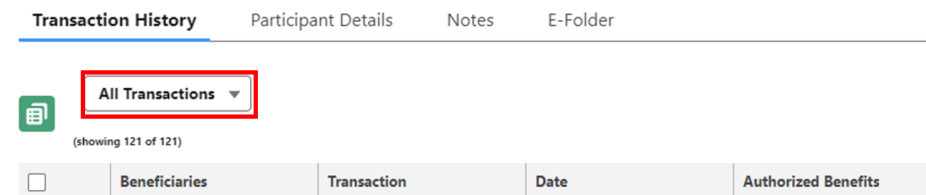


Participant Search

\* File Number/SSN/TIN

Search

After searching for the participant, select the *Receivables* option from the drop-down option (eMPWR defaults to *All Transactions*):



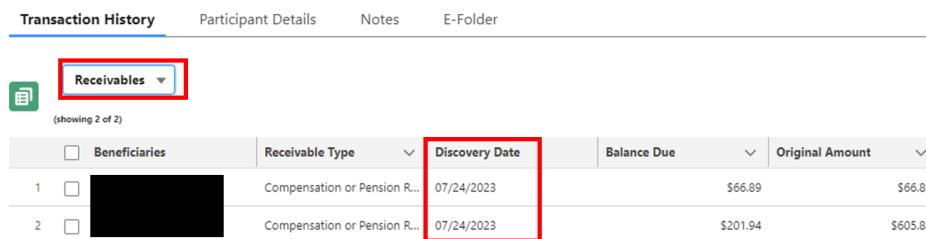
Transaction History Participant Details Notes E-Folder

All Transactions

(showing 121 of 121)

Beneficiaries	Transaction	Date	Authorized Benefits
---------------	-------------	------	---------------------

eMPWR-VA will provide a list of all receivables (debts). Locate the line(s) that show a RECEIVABLE TYPE as *Compensation or Pension* **and** the DISCOVER DATE matches the date of the award that removed the dependent(s)/resulted in the overpayment. (In the example below the award was authorized on 07/24/2023.)



Transaction History Participant Details Notes E-Folder

Receivables

(showing 2 of 2)

Beneficiaries	Receivable Type	Discovery Date	Balance Due	Original Amount
1	Compensation or Pension R...	07/24/2023	\$66.89	\$66.89
2	Compensation or Pension R...	07/24/2023	\$201.94	\$605.82

**Note:** eMPWR-VA will have a separate line for every award line effected in creation of the debt.

Click on the name of the beneficiary of the corresponding line(s) to review details of the debt.

**Transaction History**   Participant Details   Notes   E-Folder

**Receivables** ▼

(showing 2 of 2)

<input type="checkbox"/>	Beneficiaries	Receivable Type	Discovery Date
1	<b>NAME</b>	Compensation or Pension R...	07/24/2023

Once selected, eMPWR-VA will provide the details concerning the debt, to include the COLLECTION STATUS, and history of payments (if applicable).

**Compensation or Pension Receivable**

Receivable Details

Receivable Type	Receivable Reason	Balance Due	Begin Date	End Date	Fiscal Year	Collection Status
Compensation or Pension R...	Minor Child Adjustment	\$66.89	07/01/2023	07/31/2023	2023	Collectible

Receivable Details

atus	Repayment Status	Discovery Date	Original Amount	Cost
	No Payment Plan	07/24/2023	\$66.89	Compensation Veteran PGW

**Note:** The 02C Finance Memo Template must be completed and sent to finance if the COLLECTION STATUS shown above is not COLLECTIBLE, as applicable, based upon the guidance in the Dependency Submission Failures Standard Operation Procedure.