Pension and fiduciary service

PMC VSR Intermediate Core Course
Phase 5: Proficiency Development
Part 3: Promulgation

Overview of Election Claims

Appendix A

December 2023

Practice Exercise: Rules for Apportionment

**Directions**: Based on the material covered, provide a reference for the following:

|  |  |
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| **When**  | **CFR, USC, or M21-1** |
| Determining elections between compensation and pension use |  |
| Notifying a Veteran of the election options after awarding **Veterans Pension at the $90 Nursing Facility/Medicaid rate instead of compensation as the greater benefit see** |  |
| Determining that a surviving spouse with entitlement to DIC may elect Survivors Pension use |  |
| If award action must be deferred when an election of current-law pension is received from a prior pension law beneficiary eligible for the $90 nursing facility/Medicaid rate as the lesser benefit, inform the Section 306 or Old-Law Pension Medicaid beneficiary by a locally-generated letter that further action on the election will not be taken unless they furnish a signed statement expressing a desire to receive the lesser benefit per |  |
| If there are two parents eligible for dependency and indemnity compensation and only one parent files claim for this benefit, the rate of DIC for that parent will not exceed the amount which would be paid to him or her if both parents had filed claim for DIC per |  |
| Where a surviving spouse is entitled to death compensation, the amount of which is based in part on the existence of a child who has attained the age of 18 years, and elects to receive dependency and indemnity compensation, the independent award of dependency and indemnity compensation to which the child is entitled will be awarded to or for the child without separate election by or for the child per |  |
| Where a child is no longer eligible to receive pension, compensation or dependency and indemnity compensation because of having elected dependents' educational assistance under 38 U.S.C. chapter 35, the child will be excluded from consideration in determining the rate payable for another child or children per |  |