

PMC VSR Intermediate Core Course

**Phase 5.1(b): Knowledge Check Prep Worksheet**

**Appendix A**

June 2024

**Part 1 – Kinfolk**

**Directions**: Read each scenario and determine if the statement is correct or incorrect. Answer each scenario with a (Y) for Yes if correct or (N) for No if incorrect.

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| **Scenario** | **Y/N** |
| Under PL 116-315, effective January 5, 2021, a surviving spouse who remarries upon attaining age 55 retains eligibility for DIC, effective January 5, 2021. Sarah, the surviving spouse of Jim Veteran, previously lost eligibility to DIC due to her remarriage to Mark on August 10, 2019. At that time, she was age 56. **Is she eligible to have the DIC paid effective date of marriage? Provide a rationale** |  |
| Under PL 116-315, reinstatement of DIC is permissible for a surviving spouse who remarries upon attaining age 55. Belinda, the surviving spouse of Hank, married John when she was 55, on September 22, 2020. **Would payment commence** on **the date of marriage? Provide the CFR(s) that you would use to base your decision on. What would be the earliest possible date for reinstatement?** |  |
| Hannah was a 55-year-old surviving spouse when she remarried in July 2003. She applied for reinstatement of benefits, on March 9th, 2004. **Would she have been eligible for reinstatement of benefits? What PL would she qualify under if she does or does not? List the manual reference as well. Provide a rationale for your answers.** |  |

**Part 2 – Somebody’s Child**

**Directions**: Read each scenario and provide a response. Answer each item with True or False

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| **Scenario** | **True or False** |
| VA may pay additional DIC to a surviving spouse for children that the VA recognizes as a child of the Veteran on whose death a DIC award is based. |  |
| A child is not in custody for current-law pension purposes if both parents are deceased, and no guardian is appointed. |  |
| Discontinuation of an additional, separate award of DIC to a child attending school, or a child that is 18 years old and incapable of self-support, because of the marriage or death of that child, will impact the surviving spouse’s award, and VSRs must be sure to issue due process. |  |
| A notice of proposed adverse action to remove a dependent is *not* required if a beneficiary or a custodian provides the VA with the evidence or information that triggers a reduction or discontinuation of benefits. |  |
| When a beneficiary requests the removal of a dependent, the beneficiary must, at a minimum, provide the VA with the date (month, day, and year) of the event (such as the death or marriage of a child) that necessitates such action. |  |
| The effective date of reduction or discontinuance of an award of current-law pension, or DIC is the last day of the month in which the event occurs *if* the reduction or discontinuance is due to the loss of a child because of marriage, adoption, death, or discontinuance of school attendance. |  |
| For a child who is a dependent on a Veteran’s or surviving spouse’s Section 306 or Old-Law Pension award, remove the child from the award effective the first of the month following the month the marriage occurred. |  |
| Upon receipt of notice of the marriage of a child deemed permanently incapable of self-support, to who VA is paying benefits, continue the child’s award effective the first day of the month in which the marriage occurred. |  |

**Part 3 – Choosing Parents**

**Directions**: Read each sentence and provide a response.

1. (Yes/No?) Is development required for the 38 USC 1318 DIC claims automated under the FNOD process?
2. Under what circumstances should you establish an EP 169?
3. (Yes/No?) Can burial benefits be granted through the FNOD process without an application upon processing a valid report of death?
4. What EP and claim label should you use after receipt of a valid NOD?
5. On August 22nd, 2023, you received a notice, from Mr. Johnson, Olan Veteran’s neighbor, informing VA that the Veteran passed on August 11, 2023. You also see that VA Form 29-4125 is of record, which was received August 13th, 2023, showing the Veteran did indeed pass on August 11, 2023. What would be the correct DOC, EP, and claim label?
6. (True or False?). VSRs should enclose VA Form 20-0998 when sending a contemporaneous notice that benefits have been discontinued based on a reported death of a beneficiary.
7. (True or False?). A death certificate for Hilda, a deceased non-Veteran beneficiary is of record, but accrued benefits exist, therefore, Millie, the PMC VSR who is currently working the claim must provide a notification letter.
8. What EP should you use if you discover that an MOD payment was released erroneously to the incorrect spouse and the MOD payment should be denied?

**Part 4 – Building Relationships**

**Directions**: Read each scenario and provide a response:

**Scenario 1 – Termination of Parental Rights**

Dave’s Court terminated Roger Veteran’s biological mother’s, Mary Mom’s, parental rights in 2001, when he was ten years old.  The Veteran was then adopted by the Sanders in July 2003; however, both his adoptive parents died in 2015, and Mary Mom, the Veteran’s biological mother assumed responsibility as the Veteran’s parent before the Veteran entered active duty at age 18.

**Would Mary Mom qualify as the Veteran’s parent for VA Purposes?**

**Why or Why not?**

**Scenario 2 – Control vs. Abandonment**

Henry Veteran’s mother Martha Mom left his biological father, Sam, when the Veteran was 17. She now lives with Joe, but they never married.  Joe supports the Veteran and bears the relationship of father to him. Martha never asks the biological father to support the Veteran and he never offers to do so. A review of the file shows that both Joe and Sam filed a claim for VA benefits, claiming to be the parent of Henry.

**Who would be entitled to VA benefits?**

**Why or Why Not?**

**Scenario 3 – Relinquishment of Control by Biological Parent**

Diane and Bill file a claim for Parents’ DIC. Development reveals Diane and Bill are the deceased Veteran’s grandparents.  Diane and Bill alleged that their daughter, Vera, and her husband, Wayne, were the Veteran’s biological parents, but did not support or maintain regular contact with Bob Veteran after he finished middle school. Diane and Bill claim they stood in the relationship of parents to the Veteran for more than one year before the Veteran entered active duty.

**What actions should you take?**

**Answer**:

**Rationale**:

**Part 5 – P&T – Presumptive Met or Not**

**Directions**: Read each scenario and provide a response to indicate if the presumptive criteria are met or not met. Use “M” if presumptive criteria are considered met, and UM if considered “unmet”.

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| **Scenario** | **Met (M) or Unmet (UM)** |
| You are making a determination on Lenny Veteran’s P&T claim, which was received on January 3, 2022. You noticed that the Veteran is Age 60, and in receipt of SSI. **Are the criteria met or unmet?** |  |
| Reba Veteran, who is age 62, is a patient at the We Care Home that the VA approved three years ago. The home is in Disability, NM. Records indicate that the facility is a long-term care facility for the disabled, and the Veteran has been there for the past year. Records indicate that she will remain there. You notice that the facility is a medical foster home. **Should you presume that the VA pension disability requirement is met, or would you declare it unmet?** |  |
| Blake Veteran is under age 62, but in receipt of Social Security, which is based on disability. **Should you presume that the VA pension disability requirement is met, or would you declare it unmet?** |  |
| You are reviewing Joyce, a 67-year-old Veteran’s claim for P&T. Records indicate that she served from October 1977 to 1997. She is now in receipt of SSA. **Should you presume that the VA pension disability requirement is met, or would you declare it unmet?** |  |