PENSION AND FIDUCIARY Service

PMC VSR Advanced Core Course  
Phase 6: Practical Application and Experience

Process Apportionment Claims

Trainee Guide

July 2024

Process Apportionment Claims

Lesson Overview

| Topic | Description |
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| Time Estimate: | 4.5 hours |
| Purpose of the Lesson: | This lesson is part of the entry-level course for PMC VSRs. The purpose of this lesson is to train PMC VSRs on how to process apportionment claims through demonstration and practice. This lesson also includes instruction on how to use the systems for processing an apportionment claim. |
| Prerequisite Training Requirements: | * Prior to taking the Establish a Claim lesson, trainees must complete PMC VSR Core Course Phases 1-5.6. |
| Target Audience: | This lesson is for entry-level PMC VSRs. |
| Lesson References: | * VAOPGCPREC 16-1994 (Apportionment of Benefits) * 38 USC 5307 (Apportionment of Benefits) * 38 CFR 3.450 (General) * 38 CFR 3.451 (Special Apportionments) * 38 CFR 3.452 (Situations When Benefits May Be Apportioned) * 38 CFR 3.454 (Veterans Disability Pension) * M21-1 III.ii.2.A.1.a. (Requirements that Claimants Submit a Prescribed Form * M21-1 VII.iii.1.A.1.e. (Criteria for Granting a Claim for an Apportionment) * M21-1 VII.iii.1.A.1.f. (Circumstances Under Which VA May Not Apportion a Veteran’s Benefits) * M21-1 VII.iii.1.A.1.h. (Requesting an Apportionment Application from a Claimant) * M21-1 VII.iii.1.A.1.i. (Text for Letters that Request an Apportionment Application from a Claimant) * M21-1 VII.iii.1.A.1.k. (Restriction on the Concurrent Payment of Education Benefits and Apportioned Benefits) * M21-1 VII.iii.1.a.2.b. (Estimating the Amount of Benefits VA Should Withhold for an Apportionment) * M21-1 VII.iii.1.A.3.a. (Using Information VA Form 21-0788 Provides When Deciding a Claim) * M21-1 VII.iii.1.B.1.b. (Circumstances Requiring Discontinuation of an Apportionment) * M21-1 VII.iii.1.B.1.d. (Other Reasons and Instructions for Discontinuing an Apportionment) * M21-1 VII.iii.1.B.3.a. (Adjusting an Apportioned Award Due to the Death of the Primary Beneficiary) * M21-1 VII.iii.1.B.7.b. (Changes in a Child-Apportionee’s Status as a Dependent Due to His/Her Death, Marriage, Adoption, or Discontinuation of School Attendance) * M21-1 VII.iii.1.B.7.e. (Out-of-Custody Children in Receipt of DIC that Lose Their Status as a Dependent) * M21-1 XI.ii.2.1.e. (Determining Award When Apportionment Is Required) |
| Technical Competencies: | * Program Benefits and Eligibility (PMC VSR) * Processing Claims (PMC VSR) * VBA Applications (PMC VSR) * Income Counting and Net Worth |
| Knowledge Check: | Phase 6: Process Apportionment Claims Knowledge Check |
| Lesson Objectives: | * Process an apportionment claim. * Recognize indicators of an apportionment claim. * Confirm claim characteristics assigned by claims assistant. * Determine if claim may be denied without development. * Determine if evidence is sufficient to process an apportionment claim. * Apply the correct development actions for the information/evidence missing from claim. * Determine entitlement to an apportionment claim. * Apply due process provisions to the claim. * Determine if claim should be submitted to rating activity. * Prepare the administrative decision. * Decide the award action for an apportionment claim. * Create the decision notice. * Submit the claim to the Authorizer. |
| What You Need: | * Trainee Guide * Access to VBA Intranet * Access to the Assessment Portal * Pen and paper or access to a whiteboard * Access to the following systems: * SHARE * MAP-D * VBMS * Access to VSR Assistant * **Prepare the Decision Notification** job aid * **Notification Language** job aid * **Introduction to Apportionments** job aid |

| PowerPoint Slides | Notes |
| --- | --- |
| Process Apportionment Claims |  |
| Lesson Objectives (1 of 2)   * Process an apportionment claim. * Recognize indicators of an apportionment claim. * Confirm claim characteristics assigned. * Determine if claim may be denied without development. * Determine if evidence is sufficient to process an apportionment claim. * Apply the correct development actions for the information/evidence missing from claim. |  |
| Lesson Objectives (2 of 2)   * Determine entitlement to an apportionment claim. * Apply due process provisions to the claim. * Determine if claim should be submitted to rating activity. * Prepare administrative decision. * Decide the award action for an apportionment claim. * Create the decision notice. * Submit the claim to the Authorizer. |  |
| Why It Matters!   * To ensure that, in the scenario given, that the Veteran’s benefits are properly distributed to his dependent. * VA’s primary obligation is to the Veteran.   Proper resolution of an apportionment claim should NOT impose undue hardship on the Veteran. |  |
| Characteristics of an Apportionment Claim   * **M21-1 VII.iii.1.A.1.a. (Requirement That Claimants Submit a Prescribed Form)** * **M21-1 VII.iii.1.A.1.b. (Who May Receive an Apportionment of a Beneficiary’s Benefits)** * **M21-1 VII.iii.1.A.1.c. (Apportioning Benefits to a Dependent That Is Not on the Beneficiary’s Award)** * CESTed: EP 130 or 600 at various steps in the process |  |
| Overview of Processing Apportionment Claims   * Many of the steps required to process apportionment claims are done simultaneously by PMC VSRs in the field. * For the purpose of instruction, the steps are broken out individually.   A circular Venn diagram illustrating how some of the steps of the claim process overlap; the center circle is labeled Processing Apportionment Claims; each outer circle is unlabeled. |  |
| Lesson Overview   * **Demonstration:** Instructor processes a claim from start to finish with opportunities for questions. * **Guided Practice Exercise:** Trainees process a claim with questions and feedback/remediation. |  |
| Demonstration Claim 1—Process an Apportionment Claim  Demonstration Claim 1:   * {Name} * {Other information} |  |
| Claim 1—Recognize Indicators of an Apportionment Claim  Indicates a demonstration should be performed   * A type of maintenance claim * VA Form 21-0788 (Information Regarding Apportionment of Beneficiary Award) * Established: EP 130 or 600 at various steps in the process |  |
| Claim 1—Confirm Claim Characteristics Assigned by Claims Assistant  Indicates a demonstration should be performed |  |
| Claim 1—Screen Claim to Determine Whether a Bar to Apportionment Exists  Indicates a demonstration should be performed   * Dependency requirements for VA purposes not met * When apportionments are a bar |  |
| Claim 1—Identify Missing Information/Evidence  Indicates a demonstration should be performed   * Are all submitted VA Forms complete? * Is dependency (spouse, child) verified? * Are income and net worth information complete? |  |
| Claim 1—Develop for Missing Information/Evidence  Indicates a demonstration should be performed   * Completed VA Forms * Proper dependency evidence * Income and net worth information necessary to make eligibility determination |  |
| Claim 1—Determine Entitlement to an Apportionment Claim  Indicates a demonstration should be performed   * All proper VA Forms completed * Proper dependency relationship established * Income and net worth are qualifying * Time requirements for responding to VA request for evidence/information for an apportionment claim met |  |
| Claim 1—Apply Due Process Provisions to the Claim  Indicates a demonstration should be performed   * In an apportionment claim, due process would always be issued to the primary beneficiary, if apportionment is not a bar. * Calculate the withholding amount to include that information in the due process letter. |  |
| Claim 1—Determine If Claim Should Be Submitted to Rating Activity  Stand-alone apportionment claims are not sent to the rating activity |  |
| Claim 1—Prepare the Administrative Decision for the Claim  Indicates a demonstration should be performed |  |
| Claim 1—Decide the Award Actions for an Apportionment Claim  Indicates a demonstration should be performed |  |
| Claim 1—Prepare the Decision Notices for an Apportionment Claim  Indicates a demonstration should be performed   * Create the decision notices for both the primary beneficiary and the claimant. * Select correct content for each decision notice. * Attach VA Form 20-0998, Your Right to Seek Review of Our Decision,) with decision notice to the primary beneficiary. * Note 60-day time requirement to appeal. |  |
| Claim 1—Submit the Claim to the Authorizer  Indicates a demonstration should be performed   * Make final annotations about the awards. * Submit the claim, including the decision notices and VA Form 21-441 (Special Apportionment Decision), to the Authorizer for review according to local procedures. |  |
| Guided Practice Exercise Overview (1 of 3)   * Instructions:   + Process Claim 2 from beginning to end.   + Use the job aids, references, and systems available.   + Select a partner before beginning the exercise to confer with after completing each step individually.   + Consult with instructors for assistance.   + Be prepared to discuss your results with the class. |  |
| Guided Practice Exercise Overview (2 of 3)   * This exercise includes the following parts of the claim process:   + Recognize indicators of an apportionment claim.   + Confirm claim characteristics assigned by claims assistant.   + Screen claim for lack of eligibility.   + Identify missing information/evidence.   + Develop for missing information/evidence.   + Determine entitlement to an apportionment claim. |  |
| Guided Practice Exercise Overview (3 of 3)   * + Apply due process provisions to the claim.   + Determine if claim should be submitted to rating activity.   + Prepare administrative decision.   + Decide the award action for an apportionment claim.   + Prepare the decision notice for an apportionment claim.   + Submit the claim to the Authorizer. |  |
| Guided Practice Exercise Claim 2—Process an Apportionment Claim  Guided Practice Exercise Claim 2:   * {Name} * {Other information} |  |
| Claim 2—Recognize Indicators of an Apportionment Claim   * Instructions:   + Perform the steps to recognize indicators of the claim for Claim 2.   + Use the job aids, references, and systems available.   + Confer with your partner.   + Be prepared to discuss your results with the class. * Time allowed: 5 minutes |  |
| Claim 2—Confirm Claim Characteristics Assigned by Claims Assistant (1 of 2)   * Instructions:   + Perform the steps to confirm the claim characteristics assigned for Claim 2.   + Use the job aids, references, and systems available.   + Confer with your partner.   + Be prepared to discuss your results with the class. * Time allowed: 15 minutes |  |
| **Claim 2—Confirm Claim Characteristics Assigned by Claims Assistant (2 of 2)**   * Is the application for benefits complete or incomplete? * Are there any special claim types? * Is an appeal pending? * Is the Date of Claim (DOC) correct? * Is the Power of Attorney (POA) valid? * Are the End Product (EP) and payee codes correct? |  |
| Claim 2—Screen Claim to Determine Whether a Bar to Apportionment Exists   * Instructions:   + Perform the steps to screen to determine whether a bar to apportionment exists for Claim 2.   + Use the job aids, references, and systems available.   + Confer with your partner.   + Be prepared to discuss your results with the class. * Time allowed: 15 minutes |  |
| Claim 2—Prepare the Administrative Decision for the Claim   * Instructions:   + Perform the steps to prepare the administrative decision for Claim 2.   + Use the job aids, references, and systems available.   + Confer with your partner.   + Be prepared to discuss your results with the class. * Time allowed: 30 minutes |  |
| Claim 2—Decide the Award Actions for an Apportionment Claim   * Instructions:   + Perform the steps to decide the award actions for Claim 2.   + Use the job aids, references, and systems available.   + Confer with your partner.   + Be prepared to discuss your results with the class. * Time allowed: 15 minutes |  |
| Claim 2—Prepare the Decision Notices for an Apportionment Claim   * Instructions:   + Perform the steps to prepare the decision notices for Claim 2.   + Use the job aids, references, and systems available.   + Confer with your partner to assess each other’s decision notices.   + Ask for guidance from the instructor if you identify discrepancies. * Time allowed: 15 minutes |  |
| Claim 2—Submit the Claim to the Authorizer   * Instructions:   + Perform the steps according to local procedures to submit the claim to the Authorizer for Claim 2.   + Use the job aids, references, and systems available.   + Confer with your partner.   + Be prepared to discuss your results with the class. * Time allowed: 15 minutes |  |
| **Knowledge Check: Lesson Summary Review**    Time Allowed: 10 minutes |  |
| What’s Next?  Complete the Process Apportionments Claims course evaluation: **TMS ID #: 4408408** |  |