Pension and fiduciary service

PMC VSR Intermediate Core Course
Phase 5: Proficiency Development
Part 1(b): Basic Eligibility

Establish Parental Relationship for DIC

Trainee Guide

June 2024

Establish Parental Relationship for DIC

Lesson Overview

| Topic | Description |
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| Time Estimate: | 2 hours |
| Purpose of the Lesson: | This lesson is part of the entry-level curriculum, Core Course for PMC VSRs. The purpose of this lesson is to prepare you to establish a parental relationship to the Veteran to determine eligibility for DIC benefits. |
| Target Audience: | This lesson is for entry level PMC VSRs. |
| Lesson References: | * 38 CFR 3.59 (Parent)
* 38 CFR 3.209 (Birth)
* 38 CFR 3.210 (Child’s relationship)
* M21-1 VII.i.3.A.4.c (Examples of Acceptable Secondary Evidence)
* M21-1 VII.i.4.A (Establishing Parental Relationship)
* M21-1 VI.iii.3.A (General Information on Contested Claims)
* M21-1 V.iii.1.D.1.b (Determination of Parents' DIC Income Limit)
* M21-1 IX.iii.1.D.6.a. (General Information on Changes in Marital and Dependency Status)
* M21-1 IX.i.1.4 (Entitlement Requirements and Development for Parents’ DIC)
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| Lesson Objectives: | By the end of this lesson, you will be able to:* Establish parental relationship to a Veteran for the purpose of receiving DIC benefits
* Identify parental relationship requirements
* Determine whether evidence shows abandonment, foster parent, or contested claim
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| What You Need: | * Trainee guide
* Access to VBA Intranet
* Pen and paper or access to a whiteboard
* Access to the following systems:
	+ SHARE
	+ VBMS
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| PowerPoint Slides | Notes |
| --- | --- |
| **Establish Parental Relationship for DIC**  |  |
| **Lesson Objectives****By the end of this lesson, you will be able to*** Establish parental relationship to a Veteran for the purpose of receiving DIC benefits
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| **Why This Matters!*** The **Establish Parental Relationship for DIC** course matters because VA benefits may be payable to a surviving parent(s) of a deceased veteran.
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| **Who Is an Eligible Parent?**Whiteboard stating the following: Relationship: Individual's legal status with respect to the Veteran, that is, whether the claimant may be recognized as the Veteran's parent.**Reference: M21-1 VII.i.4.A.1.c** |  |

| PowerPoint Slides | Notes |
| --- | --- |
| **Application for DIC—Parent*** VA Form 21P-535, Application for Dependency and Indemnity Compensation by Parent(s)
* VA Form 21P-524 – Statement of Person Claiming to Have Stood in Relation of Parent
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| **Parental Relationship*** **Biological -** M21-1 VII.i.4.A.4
	+ **Veteran’s birth certificate**
	+ **Primary evidence**
	+ **Secondary evidence**
* **Adoptive -**  M21-1 VII.4.A.5
	+ **Final decree of adoption**
	+ **Impounded adoption records**
	+ **Foreign adoption**
* **Foster parent -**  M21-1 VII.i.4.A.6.a-c
	+ **Length of time foster parent must stand in place of biological parent**
	+ **Relinquishment of control**
* Abandonment – M21-1 VII.i.4.A.8
* Examples of Control vs. Abandonment
* Entitlement Requirements andDevelopment for Parents’ DIC
	+ Acceptable Proof of Relationship of a Parent to a Veteran (M21-1, IX.i.1.4.d)
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| **Definitions: Abandonment by Parent*** **Abandonment and entitlement benefits-**

a biological or adoptive parent who refused to assume the legal and moral obligations of a parent is not entitled to VA benefits. Evidence shows both a refusal and failure to provide support. * **Relinquishment of control**

when a the parent fails to provide support for the Veteran.* **Case development for alleged abandonment by a parent-**

fully develop the facts surrounding the allegation. |  |
| **Contested Claims*** A contested claim exists when:
	+ A favorable decision on one claim requires:
	+ the denial of a claim from a separate claimant, or
	+ payment of a lesser benefit to a separate claimant.
	+ One claimant may contest
	+ the other claimant’s entitlement to that benefit, or
	+ payment of that benefit to the other claimant.
* A contested claim automatically arises if two people:
	+ allege to be a deceased Veteran’s legal surviving
	+ Spouse, Mother, or Father file a formal claim for the same benefit
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| **Scenario—Who Is Eligible for DIC Benefits?**Nancy, has filed a DIC claim as a foster parent. Ms. Audrey, the biological mother of the Veteran, has also filed a DIC claim as the biological parent. The evidence received from Nancy, shows that Ms. Audrey, the Veteran’s biological mother, left the Veteran with his aunt, Nancy, at the age of nine and never returned or made contact with the Veteran until he entered the service at age 19. The evidence shows that Ms. Audrey, made attempts to contact the Veteran via email, but the Veteran never answered any of the emails.* Based on the evidence given, who is eligible to receive DIC benefits?
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| **Lesson Summary Review Questions****Time Allowed: 10 minutes** |  |
| **What’s Next?*** Complete Establish Parental Relationship for DIC evaluation course: **TMS ID #4408422**
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