



PENSION AND FIDUCIARY SERVICE

PMC VSR Advanced Core Course
Phase 5: Stages of a Claim
Part 1: Determine Eligibility

Lesson 22: Apply Liberalizing Law to Pension Eligibility

Trainee Guide

October 28, 2016

Version 1.0

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Apply Liberalizing Law to Pension Eligibility

Lesson Overview

Topic	Description
Time Estimate:	1 hour
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 apply liberalizing legislation for pension claims.
Prerequisite Training Requirements:	Prior to taking the Apply Liberalizing Law to Pension Eligibility lesson, you must complete PMC VSR Core Course Phases 1–4, Phase 5, Part 1, Lessons 1–21. (Refer to the Master Course Map learning aid for a list of lessons.)
Target Audience:	This lesson is for entry-level PMC VSRs.
Lesson References:	<ul style="list-style-type: none"> • Master Course Map learning aid • M21-1 III.vi.8.1 (Changes to the Law or Department of Veterans Affairs Issue) • M21-1 III.vi.8.1.b (Provisions of 38 CFR 3.114(a) on Eligibility for Retroactive Benefits) • M21-1 III.vi.8.1.c. (Awarding or Increasing Benefits Retroactively Based on a Change to the Law) • M21-1 V.iii.1.A.4.d. (Retroactive Effect Dates to Pension Due to Liberalizing Law) • 38 CFR 3.114 (Change of law or Department of Veterans Affairs issue)
Knowledge Check:	Phase 5: Stages of a Claim, Part 1(d): Beyond Basic Eligibility and Ready to Rate
Technical Competencies:	<ul style="list-style-type: none"> • Program Benefits and Eligibility (PMC VSR) • Processing Claims (PMC VSR)
Lesson Objectives:	<ul style="list-style-type: none"> • Determine whether Veteran meets criteria for liberalizing law. • Determine whether to apply liberalizing legislation eligibility.

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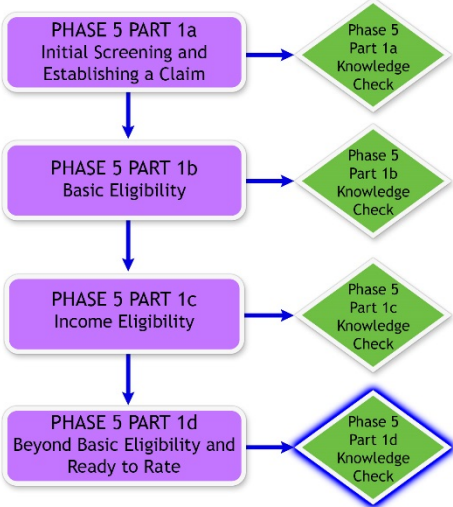
Topic	Description
What You Need:	<ul style="list-style-type: none"> • Trainee guide • Master Course Map learning aid • Access to VBA intranet • Pen and paper • Access to the following systems: <ul style="list-style-type: none"> ○ SHARE ○ VBMS

PowerPoint Slides	Notes
<p>Lesson 22: Apply Liberalizing Law to Pension Eligibility</p>	
<p>You Are Here</p>	

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PowerPoint Slides	Notes
<p>Beyond Basic Eligibility and Ready to Rate</p> <ul style="list-style-type: none"> • Verify Proof of Death of Veteran for Survivors' Benefits • Apply Liberalizing Law to Pension Eligibility • Process Vet Married to Vet Cases • Determine Accrued Benefits Eligibility • Determine Burial Benefits Eligibility • Determine Month of Death (MOD) Eligibility • Overview of Ready to Rate • Determine Eligibility for DIC and Parents' DIC 	
<p>What Is Liberalizing Law?</p> <ul style="list-style-type: none"> • Definition of liberalizing law • Retroactive benefits 	
<p>Scenario—Potential Claim for Liberalizing Law</p> <p>An 82-year-old Veteran applied for VA pension benefits on July 3, 2016. The Veteran met all of the eligibility criteria and was granted nonservice-connected pension benefits effective July 3, 2016, payable August 1, 2016.</p>	

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<p>Technical Competencies</p> <ul style="list-style-type: none"> • Program Benefits and Eligibility (PMC VSR) • Processing Claims (PMC VSR) 	
<p>Lesson Objectives</p> <ul style="list-style-type: none"> • Determine whether Veteran meets criteria for liberalizing law. • Determine whether to apply liberalizing legislation eligibility. 	
<p>Knowledge Check</p>  <pre> graph TD A[PHASE 5 PART 1a Initial Screening and Establishing a Claim] --> B{Phase 5 Part 1a Knowledge Check} A --> C[PHASE 5 PART 1b Basic Eligibility] C --> D{Phase 5 Part 1b Knowledge Check} C --> E[PHASE 5 PART 1c Income Eligibility] E --> F{Phase 5 Part 1c Knowledge Check} E --> G[PHASE 5 PART 1d Beyond Basic Eligibility and Ready to Rate] G --> H{Phase 5 Part 1d Knowledge Check} </pre>	
<p>Why Is Liberalizing Law Important?</p> <p>Applies to:</p> <ul style="list-style-type: none"> • Cases involving pending or previously denied claims • Original claims filed after the change in law or administrative issue 	


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<p>Criteria for Applying Liberalizing Law</p> <ul style="list-style-type: none"> • Public Law 107-103 • Liberalizing law and pension • Liberalizing law claims 	
<p>Partial Grants of Liberalizing Law</p> <ul style="list-style-type: none"> • When to grant partial liberalizing law • Pension and Parents' DIC 	
<p>Scenario—Apply Partial Liberalizing Law</p> <p>A Veteran applies for benefits July 3, 2016. The Veteran submits income, net worth, and medical expenses from July 3, 2015. The Veteran shows continuous entitlement from July 3, 2015; however, he receives an inheritance in May of 2016 that significantly reduces the original benefits. Depending on when this claim is worked, it may cause an overpayment or it may cause a retroactive payment. Future benefits would severely decrease.</p>	
<p>Scenario—Does the Claim Meet Liberalizing Law Criteria?</p> <p>Instructor will provide a scenario based on a real-life experience.</p>	

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PowerPoint Slides	Notes
<p>Scenario—Does the Claim Meet Liberalizing Law Criteria? Answer</p> <ul style="list-style-type: none">• Review the criteria for liberalizing law• Based on the information provided, is the claim a:<ul style="list-style-type: none">○ Pending or previously denied claim?○ Original claim filed after a change in law or administrative issue?○ Liberalizing law claim?	
<p>Group Activity—Does the Claim Meet Eligibility Requirements for Liberalizing Law?</p> <ul style="list-style-type: none">• Instructions:<ul style="list-style-type: none">○ Divide into groups of three.○ Access CPKM to use the eCFR and M21-1 to complete the exercise.○ Review Claim 1 and 2.○ Determine if liberalizing law can be applied.• Time allowed: 10 minutes	

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<p>Claim 1—Does the Claim Meet Eligibility Requirements for Liberalizing Law?</p> <ul style="list-style-type: none"> • Does the claim meet the criteria for liberalizing law? • Can liberalizing law be applied to the claim? • If yes, when should you establish liberalized standards of entitlement and award or increase benefits retroactively? 	
<p>Claim 2—Does the Claim Meet Eligibility Requirements for Liberalizing Law?</p> <ul style="list-style-type: none"> • Does the claim meet the criteria for liberalizing law? • Can liberalizing law be applied to the claim? • If yes, when should you establish liberalized standards of entitlement and award or increase benefits retroactively? 	
<p>Liberalizing Law Review</p> <ul style="list-style-type: none"> • Definition of liberalizing law • Criteria for applying liberalizing law • Applying liberalizing law 	
<p>Questions?</p> 	

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PowerPoint Slides	Notes
What's Next <ul style="list-style-type: none">• Phase 5, Part 1, Lesson 23: Process Veteran-Married-to-Veteran Cases• Review of all references provided in this lesson	