Pension and fiduciary service

PMC VSR Intermediate Core Course
Phase 5.1(b): Basic Eligibility

Phase 5.1(b) Knowledge Check Prep

Trainee Guide

July 2024

Phase 5.1(b) Knowledge Check Prep

Lesson Overview

| Topic | Description |
| --- | --- |
| Time Estimate: | 2.5 hours |
| Purpose of the Lesson: | This Knowledge Check Preparation (KC Prep) is part of the Core Pension Training (CPT) curriculum for PMC VSRs. The purpose of the Phase 5.1(b) KC Prep serves as a supplemental resource that provides additional activities and content to reinforce material covered throughout training, as well as to prepare the VSR to resubmit the Level 2 assessment(s). |
| Prerequisite Training Requirements: | Prior to taking the Phase 5.1(b) KC Prep lesson, trainees must complete PMC VSR Core Pension Training course Phases 1–5.1(b).  |
| Target Audience: | This Knowledge Check preparation is for entry-level PMC VSRs. |
| Lesson References: | * **Claim Types** job aid
* **Dependency Eligibility Requirements** job aid
* **Dependency Eligibility: Spouse** job aid
* **Parents’ DIC Eligibility Requirements** job aid
* **SSA Inquiry** job aid
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| Lesson Objectives: | By the end of this lesson, the trainee should be able to:* Recall the proper steps in determining dependency eligibility for a spouse, child, or parent
* Outline the steps for establishing Parental Relationship for DIC
* Identify the correct presumptive criteria for Permanent and Total (P&T) Disability
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| What You Need: | * Trainee Guide
* Appendix A Phase 5.1(b) KC Prep Worksheet
* Access to VBA Intranet
* Pen and paper
* Access to the following systems:
	+ SHARE
	+ VBMS
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| PowerPoint Slides | Notes |
| --- | --- |
| **Phase 5.1(b): Knowledge Check Prep** |  |
| **Lesson Objectives*** Recall the proper steps in determining dependency eligibility for a spouse, child, or parent
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 |  |
| **Why This Matters!*** Phase 5.1(b) is comprised of intermediate level courses requirements for establishing dependents and reviewing P&T disability claims.
	+ Lessons throughout Phase 5.1(b) provide an overview of steps required when determining dependency eligibility, as well as P&T disability; therefore, the KC Prep is used to reinforce various concepts via practice activities and exercises for continued development.​
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| **Knowledge Check Preparation Overview*** This Knowledge Check preparation will consist of the following:
	+ Lesson objectives review
	+ Group activities/games
	+ Question/answer forum
 |  |
| **Phase 5.1(b) Lessons*** Determine Dependency Eligibility: Spouse
* Determine Dependency Eligibility: Child
* Establish Parental Relationship for DIC
* Presumptive Criteria for Permanent and Total (P&T) Disability
 |  |
| **Determine Dependency Eligibility: Spouse Objectives*** Understand what dependency is for VA purposes and why it is important
* Understand the general information on establishing marital relationships
* Know how to establish marital relationships in live veteran cases
* Know how to establish marital relationships in death cases
 |  |
| **Prescribed Forms*** VA Form 21P-527EZ, Application for Pension
* VA Form 21P-534EZ, Application for DIC, Survivors Pension, and/or Accrued Benefits
* VA Form 21-686c, Application Request to Add And/or Remove Dependents
* VA Form 21-4170, Statement of Marital Relationship
* VA Form 21P-4171, Supporting Statement Regarding Marriage
 |  |
| **Valid Marriage** |  |
| **Deemed Valid Marriage** |  |
| **Practice Exercise – Kinfolk*** **Instructions**:
	+ Work in groups of four.
	+ Review the content in **Part 1 of Appendix A: Phase 5.1.b Worksheet** to provide a response.
	+ Complete **Part 1 – Kinfolk** exercise
	+ Be prepared to share your responses and rationale with the class.
* **Time allowed: 10 minutes**
 |  |
| **Practice Exercise: Kinfolk Q&A** |  |
| **Determine Dependency Eligibility: Child Objectives*** Determine dependency eligibility for a child of a Veteran.
* Define child for VA purposes.
* Determine DIC dependency eligibility requirements for a child of a Veteran.
* Determine dependency eligibility requirements for a helpless child of a Veteran.
* Determine pension (Veteran and Survivors) dependency eligibility requirements for a child of a Veteran.
* Determine what to develop for a child of a Veteran.
 |  |
| **Surviving Child Rights*** A surviving child is entitled to Survivors Pension in their own right only if
	+ the surviving child is not in the custody of the surviving spouse (as the term custody is defined in [38 CFR 3.57(d)](https://www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFR2f2f66751230c72/section-3.57), or
	+ there is no surviving spouse who is eligible for pension, for example, the surviving spouse is deceased or remarried
 |  |
| **Surviving Child Rights (2 of 2)*** To find the MAPR for a surviving child claiming Survivors Pension, first determine whether the child is in the legal custody of some person.
* For purposes of pension, a child is in the legal custody of the person who
	+ is legally responsible for the child’s support, and
	+ has the right to exercise parental control over the child
	+ Physical custody of the child is not determinative
 |  |
| **Class Activity: The Benefit of a Child**1. Name the form a child can use to apply for benefits when “in-service death only” is applicable.
2. Under what circumstances can a surviving child become entitled to Survivors Pension in their own right?
3. If a surviving child does not have a personal custodian, nor in the custody of an institution, how would you determine the child’s rate of pension?
4. Millie, the surviving child of Tom, was declared an out-of-custody child to whom VA apportioned DIC under 38 CFR 3.461(a) died on February 11th, 2023,
	* is Angel, the surviving spouse entitled to an adjustment to her benefits, **and**
	* does the end-of-the-month rule apply?
 |  |
| **Individual Exercise: Somebody’s Child*** **Instructions:**
	+ Work individually to complete the task.
	+ Review the content in **Part 2 of Appendix A: 5.1.b Worksheet** to provide a response.
	+ Complete **Part 2 – Somebody’s Child** exercise
	+ Be prepared to share your responses and rationale with the class.

**Time allowed: 15 minutes** |  |
| Debrief: Somebody’s Child Q&A**A picture containing text, clipart  Description automatically generated** |  |
| Establish Parental Relationship for DIC Objectives* Establishing the parental relationship to a Veteran is critical when determining eligibility for benefits
* A parent of a Veteran is, for pension purposes, eligible for DIC benefits
 |  |
| Forms for Parents* [VA Form 21P-535 - Application for Dependency and Indemnity Compensation by Parent(s)](https://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21P-535-ARE.pdf)
* [VA Form 21P-524 – Statement of Person Claiming to Have Stood in Relation of Parent](https://vbaw.vba.va.gov/bl/20/cio/20s5/forms/VBA-21P-524-ARE.pdf)
 |  |
| Defining Parents* 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 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 Parental Status* 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
 |  |
| Group Exercise: Choosing Parents* Instructions:
	+ Work in groups of four.
	+ Review the content in Part 3 of Appendix A: Phase 5.1.b Worksheet to provide a response.
	+ Complete Part 3 – Choosing Parents exercise
	+ Be prepared to share your responses and rationale with the class.

Time allowed: 15 minutes |  |
| Group Exercise: Choosing ParentsA picture containing text, clipart  Description automatically generated |  |
| Practice Exercise: Building Relationships* Instructions:
	+ Work individually or in groups of two.
	+ Review the sentences in Part 4 of Appendix A: Phase 5.1.b Worksheet to determine the stage of the application.
	+ Complete Part 3 – Building Relationships exercise
	+ Be prepared to share your responses and rationale with the class.
* Time allowed: 15 minutes
 |  |
| Practice Exercise: Building Relationships Q&AA picture containing text, clipart  Description automatically generated |  |
| Presumptive Criteria for Permanent and Total (P&T) Disability Objectives* Define Permanent and Total (P&T) Disability
* Determine if the Veteran meets the presumptive criteria to satisfy the requirements for Permanent and Total (P&T) disability
* Determine when evidence is required to satisfy Permanent and Total (P&T) disability
 |  |
| What are the Presumptive Criteria for P&T Disability? |  |
| Group Activity: P&T – Presumptive Met or Unmet* Instructions:
	+ Work in groups of 4.
	+ Review the sentences in Part 5 of Appendix A: Phase 5.1.b Worksheet to determine the stage of the application.
	+ Complete Part 5 – P&T – Presumptive Met or Not exercise
	+ Be prepared to share your responses and rationale with the class.
* Time allowed: 10 minutes
 |  |
| Group Activity: P&T- Presumptive Met or Unmet Q&AA picture containing text, clipart  Description automatically generated |  |
| Questions? |  |
| What’s Next* Assigned Knowledge Check in the Assessment Portal as determined by the Training Manager (TM) and/or Instructor.
* Complete the Phase 5.1(b) Knowledge Check Prep Survey
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Appendix

**Valid Marriage**

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**Deemed Valid Marriage**

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**Presumptive Criteria**

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