Pension and fiduciary service

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

Phase 5.1(d) Knowledge Check Prep

Trainee Guide

July 2024

Phase 5.1(d) Knowledge Check Prep

Lesson Overview

| Topic | Description |
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| Time Estimate: | 3 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(d) 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.d KC Prep lesson, trainees must complete PMC VSR Core Course Phases 1–5.1(d).  |
| Target Audience: | This Knowledge Check preparation is for entry-level PMC VSRs. |
| Lesson References: | **Claim Types** job aid |
| Lesson Objectives: | By the end of this lesson, the trainee should be able to:* Recall the evidence needed for proof of death
* Determine whether Veteran meets criteria for liberalizing law
* Calculate the award payment for a Veteran-married-to-Veteran claim
* Determine Month of Death (MOD) eligibility and whether the surviving spouse is eligible for MOD benefits
* Determine if a claim requires a rating decision
* Identify the proper steps required in processing accrued benefits and substitution claims
* Define types of burial benefits
* Determine whether the surviving spouse, dependent child, or parent meets the eligibility criteria for DIC
 |
| What You Need: | * Lesson plan
* Slides
* Projector
* Appendix A Phase 5.1(d) KC Prep Worksheet
* **Prepared answers and discussion points for all exercises in this course.**
* 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 | Student Notes |
| --- | --- |
| **Phase 5.1(d): Knowledge Check Prep** |  |
| **Lesson Objectives*** Recall the evidence needed for proof of death
* Determine whether Veteran meets criteria for liberalizing law
* Calculate the award payment for a Veteran-married-to-Veteran claim
* Determine Month of Death (MOD) eligibility and whether the surviving spouse is eligible for MOD benefits
* Determine if a claim requires a rating decision
* Identify the proper steps required in processing accrued benefits and substitution claims
* Define types of burial benefits
* Determine whether the surviving spouse, dependent child, or parent meets the eligibility criteria for DIC
 |  |
| **Why This Matters!*** Phase 5.1(d) is comprised of intermediate level courses requirements in types of claims and intermediate-level processing.
* Lessons throughout Phase 5.1(d) provide an overview of steps required when verifying proof of death of the Veteran, applying liberalizing law, steps to take in Veteran-Married-to-Veteran cases, determining MOD, accrued, substitution, burial DIC, and Parents DIC eligibility, as well as if a claim is ready for and/or requires rating activity. 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(d) Lessons**1. Verify Proof of Death of Veteran for Survivors Benefits
2. Apply Liberalizing Law to Pension Eligibility
3. Process Vet Married to Vet Cases
4. Determine Eligibility for Month of Death (MOD) Eligibility
5. Overview of Ready to Rate
6. Determine Accrued Benefits Eligibility
7. Determine Substitution Eligibility
8. Determine Burial Benefits Eligibility
9. Determine Eligibility for DIC and Parents’ DIC
 |  |
| **Verify Proof of Death of Veteran for Survivors’ Benefits Objectives** * Determine if proof of death is of record
* Determine if development is required for proof of death
* Establish death of the Veteran
 |  |
| **Evidence of Proof of Death (1 of 2)*** Death certificate signed by a medical officer
* A copy of the public record of the State where death occurred.
* A copy of a coroner’s report of death
* A clinical summary showing fact and date of death signed by a medical officer
* An official report of death from the service department (in-service death)
 |  |
| **Evidence of Proof of Death (2 of 2)*** If death occurs abroad:
	+ A United States consular report of death
	+ A copy of the public record of death authenticated by the United States Consul
* An official report of death from the head of the department concerned, where the deceased person was, at the time of death, a civilian employee of such department
 |  |
| **Practice Exercise – Prove It!*** **Instructions:**
	+ Work in groups of two.
	+ Review the chart in Part 1 of Appendix A: Phase 5.1.d. Worksheet to determine the stage of the application.
	+ Complete Part 1 – Prove It! exercise
	+ Be prepared to share your responses and rationale with the class.
* **Time allowed: 10 minutes**
 |  |
| **Practice Exercise: Prove It! Q&A** |  |
| **Apply Liberalizing Law to Pension Eligibility Objectives*** Determine whether Veteran meets the criteria for liberalizing law
* Determine whether to apply liberalizing legislation eligibility
 |  |
| **Liberalizing Law Issue or VA Issues*** A liberalizing issue originates from regulation by VA, or statutes (38 U.S.C.) by Congress
* A VA issue originates from an existing regulation, or a new regulation issued by VA
* Changes of law may alter
	+ the standard of entitlement,
	+ the burden of proof,
	+ the extent of the duty to assist,
	+ substantive due process requirements,
	+ the existing understanding of medical or legal concepts, or agency procedures
 |  |
| **Liberalizing Law: Eligibility Requirements** * Veteran’s pension may be retroactively awarded up to one year prior to date of initial claim if one of the criteria was continuously met from 09/17/2001
	+ Age 65
	+ found disabled by SSA
	+ a patient in a nursing home for long-term care because of disability
 |  |
| **Group Exercise: Liberalized Law*** **Instructions:**
	+ Work in groups of four.
	+ Review the chart in **Part 2 of Appendix A: Phase 5.1.d. Workshee**t to determine the stage of the application.
	+ Complete **Part 2 – Liberalized Law** exercise
	+ Be prepared to share your responses and rationale with the class.

**Time allowed: 15 minutes** |  |
| Group Exercise: Liberalized Law (Q&A)**A picture containing text, clipart  Description automatically generated** |  |
| Process Vet-Married-to-Vet Cases Objectives* Identify Veteran-married-to-Veteran cases
* Calculate the award payment for a Veteran-Married-to-Veteran claim
 |  |
| Veteran-Married-to-Veteran Claims* Veteran-married-to-Veteran claims are two awards combined, unless otherwise requested
* A special combined maximum annual pension rate (MAPR) applies to Veterans who are married to each other
* The combined rate is the same as it is for a Veteran with a dependent, unless both Veterans are eligible for SMP
* Authorize payments in a Veteran-married-to-Veteran case on a single award unless one spouse requests separate payment, both Veterans have either aid and attendance (A&A) or housebound (HB) status, or a Medal of Honor award is involved
 |  |
| Scenario 1 – Class Activity: Vet-2-Vet* Scenario 1:
	+ Vet (A) SSA/mo. $880.00 =
	+ Vet (B) SSA/mo. $1200.00 =
	+ Annual medical expenses (for both) = $18,000.00
	+ Both Veterans are rated A/A, DOC 08-14-22
* What is the correct Monthly Pension Rate (MPR)?
 |  |
| Scenario 1 – Class Activity: Vet-2-Vet Q&AA picture containing text, clipart  Description automatically generated |  |
| Scenario 2 – Class Activity: Vet-2-Vet* Scenario 2:
	+ Vet (A) SSA/mo. $990.00 =
	+ Vet (B) SSA/mo. $1010.00 =
	+ Annual medical expenses for Veteran A = $7000.00
	+ Annual medical expenses for Veteran B = $10,000
	+ Veteran B is rated A/A, DOC 03-14-23
* What is the correct Monthly Pension Rate (MPR)?
 |  |
| Scenario 2 – Class Activity: Vet-2-Vet Q&AA picture containing text, clipart  Description automatically generated |  |
| Scenario 3 – Class Activity: Vet-2-Vet* Scenario 3:
	+ Vet (A) SSA/mo. $980.00 =
	+ Vet (B) SSA/mo. $750.00 =
	+ Annual medical expenses for Veteran A = $9000.00
	+ Annual medical expenses for Veteran B = $15,000.00
	+ Veteran A is rated A/A, DOC 08-19-20
* What is the correct Monthly Pension Rate (MPR)?
 |  |
| Scenario 3 – Class Activity: Vet-2-Vet Q&AA picture containing text, clipart  Description automatically generated |  |
| Determine Eligibility for Month of Death (MOD) Eligibility Objectives* Determine whether the surviving spouse is eligible for MOD benefits
* Determine whether Veteran was receiving pension or compensation benefits at time of death
* Determine whether MOD payment was made
* Check whether Veteran was married to claimant at time of death
 |  |
| Understanding the MOD Benefit (1 of 2)* When a Veteran passes away, his or her benefits are terminated the first of the month of death. That month of death benefit is called the Month of Death (MOD)
* The MOD payment amount represents the disability payment amount that the Veteran was entitled to receive for the month that he or she died (gross benefit)
* The Veteran's rate for the month of death is an entitlement available only to the surviving spouse of the Veteran
 |  |
| Understanding the MOD Benefit (2 of 2)If eligible, surviving spouse is entitled to benefit* A claim for MOD is not required and payment can be made if evidence establishes the claimant’s relationship to the Veteran
* To establish dependency for MOD entitlement, VA needs the surviving spouse’s name, date of birth, SSN, and address
 |  |
| Class Activity: MOD1. If VA receives a claim for pension, MOD should be paid as part of an EP \_\_\_?
2. (True or False?). A claim for MOD is not required and payment can be made if evidence establishes the claimant’s relationship to the Veteran.
3. If VA receives a claim for DIC, MOD should be paid as part of an EP \_\_\_\_.
4. Which EP is used for the MOD automation process?
5. (True or False?). The surviving spouse can be eligible to receive the MOD benefits and cannot be paid as an accrued benefit.
 |  |
| Overview of Ready to Rate Objectives* Explain why a claim requires a rating decision
* Identify the types of claims that require a rating decision
* List the required elements for a claim that is ready to rate
 |  |
| Ready to Rate* A claim is ready to rate when:
	+ All necessary evidence is of record and is adequate for rating purposes; or
	+ All development actions (to the claimant, private providers, and Federal records custodians), have been completed
* Including VA examinations
 |  |
| Scenario 1 – Class Activity: Ready to RateScenario 1:59-year-old Hank Veteran submits an original application for pension on May 20th, 2021, as well as VA Form 21-2680 (Examination for Housebound Status or Permanent Need for Regular Aid and Attendance), a certified military discharge document verifying honorable wartime service. The Veteran has no income or net worth and is requesting the maximum benefit with Special Monthly Pension (SMP).* Question: Is a rating decision required?
* Rationale: Why or why not?
 |  |
| Scenario 1 – Class Activity: Ready to Rate Q&AA picture containing text, clipart  Description automatically generated |  |
| Scenario 2 – Class Activity: Ready to RateScenario 2:62-year-old Scott Veteran submitted VA Form 21P-527EZ (Application for Pension), on April 17th, 2022, and VA Form 21- 0779 (Request for Nursing Home Information in Connection with Claim for Aid and Attendance) June 5th, 2022. Our records indicate that the Veteran served honorably during wartime and is currently a patient in a nursing home for long-term care. He is within the income limit and has minimal net worth.* Question: Is a rating decision required?
* Rationale: Why or why not?
 |  |
| Scenario 2 – Class Activity: Ready to RateA picture containing text, clipart  Description automatically generated |  |
| Determine Accrued Benefits Objectives* Define key terms related to accrued benefits
* Determine basic entitlement to accrued benefits
* Determine control and jurisdiction of accrued claims
* Determine if accrued benefits are payable
* Determine the proper claimant for accrued benefits
* Identify the types of accrued benefits claims
 |  |
| Determine Substitution Eligibility Objectives Objectives* Define key terms relating to a request to substitute
* Establish control of a request to substitute
* Determine eligibility to request substitution
* Understand the rights of the substitute claimant
 |  |
| Accrued Eligibility* If death occurred on or after December 1, 1962, monetary benefits, may be authorized
* Payment may be made for benefits
	+ to which a payee was entitled at their death under existing ratings or decisions, or
	+ which are based on evidence in the file at the date of death and due and unpaid
 |  |
| Right to Substitute* Rights that may have applied to the claimant prior to death but which cannot practically apply to a substitute are not available to the substitute.
* The substitute claimant may not add an issue to the claim or expand the claim.
* A substitute claimant has the same rights as would have applied to the original claimant had they not died, including the rights regarding:
	+ hearings
	+ representation
	+ legacy appeals
	+ decision review options for a claim *not* finally adjudicated, and
	+ submission of evidence
 |  |
| Group Exercise: Accrued Benefits and Substitution * Instructions:
	+ Work in groups of 4.
	+ Review the sentences in Part 4 of Appendix A: Phase 5.1.d. Worksheet to determine the stage of the application.
	+ Complete Part 4 – Accrued Benefits and Substitution exercise
	+ Be prepared to share your responses and rationale with the class.
* Time allowed: 10 minutes
 |  |
| **Group Exercise: Accrued Benefits and Substitution Q&A**A picture containing text, clipart  Description automatically generated |  |
| **Determine Burial Benefits Objectives*** Define types of burial benefits
* Determine whether general eligibility requirements for burial benefits are met
* Identify claimants eligible for payment
* Determine whether eligibility requirements for service-connected (SC) burial benefits are met
* Determine whether eligibility requirements for non-service-connected (NSC) burial benefits are met
* Determine whether eligibility requirements for death while under VA care burial benefits are met
* Determine whether development is required for burial-related information
* Determine whether a burial claim requires rating activity
 |  |
| **Proof of Death*** For claims of SC death where a rating decision is needed, a death certificate or other acceptable proof of death as outlined in [38 CFR 3.211](https://www.ecfr.gov/cgi-bin/text-idx?SID=618b4be8fc2e0bdea399eae739f01c2a&mc=true&node=se38.1.3_1211&rgn=div8) that specifies a cause of death is required.
* If acceptable proof of death as outlined in [38 CFR 3.211](https://www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFRdc46cfd3b31f77a/section-3.211) that specifies a cause of death is not received after development, but eligibility and acceptable proof of death for NSC burial allowance exists,
	+ grant the NSC burial allowance and
	+ explain in the decision notice that evidence of the proof of death specifying a cause of death is required to grant the SC burial allowance
 |  |
| **Time Limits*** Claims for the NSC burial allowance must be filed within two years of the date of permanent burial or cremation of the Veteran.
	+ Payment may not exceed the statutory rate in effect at the time of the burial
* There is no time limit for applying for the
	+ SC burial allowance
	+ NSC burial allowance based upon death while under VA care
	+ plot or interment allowance, or
	+ transportation benefit
 |  |
| **Practice Exercise – Burial: Match the Term*** **Instructions:**
	+ Work individually.
	+ Review the chart in Part 4 of Appendix A: Phase 5.1.d. Worksheet to determine the stage of the application.
	+ Complete Part 4 – Burial: Match the Term exercise.
	+ Be prepared to share your responses and rationale with the class.
* **Time allowed: 10 minutes**
 |  |
| Practice Exercise - Burial: Match the Term Q&AA picture containing text, clipart  Description automatically generated |  |
| Class Activity: Understanding Burial Benefits1. (Yes, or No?). Is the SC burial allowance payable for Veterans when 38 USC 1151 is applicable?
2. (True or False?). VBA may not grant SC burial allowance without a burial claim under PL 114-315 if the surviving spouse was previously denied SC burial.
3. (Yes, or No?). When the NSC burial allowance has been paid, and it is later determined that the SC burial allowance is payable, can VA pay an eligible claimant the difference between the amount of the SC burial allowance and the total amount previously paid?
4. (True or False?). For deaths that occurred on or after January 5, 2023, any claimant who would be eligible to receive the NSC burial allowance based on a Veteran’s death may also be eligible for the transportation benefit if they incurred transportation expenses and this is true even when the SC burial allowance was paid as the greater benefit.
 |  |
| Determine Eligibility for DIC and Parents’ DIC Objectives* Determine whether the surviving spouse, dependent child, or parent meets the eligibility criteria for DIC
* Determine whether the claimant is claiming DIC under 38 USC 1310, 1318, or 1151
* Determine whether the evidence of death is on file
* Determine whether cause of death is on file
* Determine the relationship to a Veteran for the purpose of receiving DIC benefits
* Determine eligibility for DIC claim
* Determine eligibility for parents’ DIC claim
* Develop a general understanding of DIC Claims related to the PACT Act
 |  |
| DIC Basic*Dependency and Indemnity Compensation* (DIC) is a monthly payment made to a surviving spouse, child, or parent because of an SC death that occurred* on or after January 1, 1957, or
* before January 1, 1957, if the survivor elects to receive DIC in lieu of Death Compensation, per [38 U.S.C. 1310](https://www.law.cornell.edu/uscode/text/38/1310)
* to a surviving spouse or child because the Veteran had been rated as totally disabled due to an SC disability prior to his/her death, typically for at least 10 years, per [38 U.S.C. 1318](http://www.law.cornell.edu/uscode/text/38/1318), or
* to a surviving spouse, child, or parent because of death due to VA medical treatment, per [38 U.S.C. 1151](http://www.law.cornell.edu/uscode/text/38/1151)
 |  |
| Parents’ DIC Characteristics* Income-based benefit
* Payable to a parent of a Servicemember/Veteran who:
	+ Died under 38 U.S.C. 1310 (SC Death)
	+ Died under 38 U.S.C. 1151 (VA Death)

NOTE: Parents are not eligible for DIC granted under 38 U.S.C. 1318. |  |
| Group Exercise: Entitlement to DIC* Instructions:
	+ Work in groups of 4.
	+ Review the chart in Part 5 of Appendix A: Phase 5.1.d. Worksheet to determine the stage of the application.
	+ Complete Part 5 – Entitlement to DIC exercise.
	+ Be prepared to share your responses and rationale with the class.
* Time allowed: 15 minutes
 |  |
| Group Exercise: Entitlement to DIC Q&A |  |
| 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(d) Knowledge Check Prep Survey
 |  |