Pension and fiduciary service

PMC VSR Intermediate Core Course  
Phase 5.2: Process Claims

Phase 5.2 Knowledge Enhancer Prep

Trainee Guide

November 2024

Phase 5.2 Knowledge Enhancer Prep

Lesson Overview

| Topic | Description |
| --- | --- |
| Time Estimate: | 1.5 hours |
| Purpose of the Lesson: | This Knowledge Enhancer Preparation (KE Prep) is part of the Core Pension Training (CPT) curriculum for PMC VSRs. The purpose of the Phase 5.2 KE 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 5.2 KE Prep lesson, trainees must complete PMC VSR CPT Course Phases 1–5.1(d). |
| Target Audience: | This Knowledge Enhancer preparation is for entry-level PMC VSRs. |
| Lesson References: | * **Claim Types** job aid * **Old Law and Section 306 Pension Programs** |
| Lesson Objectives: | By the end of this lesson, you should be able to:   * Recall the proper steps in the development process * Explain the elements of the proposed notice of incompetency rating * Explain when an adjustment to VA benefits is required based on the reports received from the matching program |
| What You Need: | * Trainee Guide * Appendix A Phase 5.2 KE Prep Worksheet * Access to VBA Intranet * Pen and paper or access to a whiteboard * Access to the following systems: SHARE and VBMS |

| PowerPoint Slides | Notes |
| --- | --- |
| **Phase 5.2: Knowledge Enhancer Prep** |  |
| **Lesson Objectives**   * Recall the proper steps in the development process * Explain the elements of the proposed notice of incompetency rating * Explain when an adjustment to VA benefits is required based on the reports received from the matching program |  |
| **Why This Matters!**   * Phase 5.2 is comprised of intermediate level courses requirements in processing claims. * Lessons throughout Phase 5.2 provide an overview of steps required for the development process, when requesting appointment of a fiduciary for incompetency claims, and the purpose of the matching program; therefore, the KE Prep is used to reinforce various concepts via practice activities and exercises for continued development.​ |  |
| **Knowledge Enhancer Preparation Overview**   * This Knowledge Enhancer preparation will consist of the following:   + Lesson objectives review   + Group activities/games   + Question/answer forum |  |
| **Phase 5.2 Lessons**  Phase 5.2 Lessons   * Overview of the Development Process * Request Appointment of Fiduciary for Incompetency Claims * Introduction to the Matching Program |  |
| **Overview of the Development Process Objectives**   * Demonstrate how to develop for information/evidence needed to fulfill duty to assist * Define key terms used by PMC VSRs in development of a claim * Describe common steps used in development |  |
| **Overview of the Development Process and Common Steps** |  |
| **Practice Exercise – Terms of Development**   * **Instructions:**    + Work in groups of two.   + Review the chart in Part 1 of Appendix A: Phase 5.2 Worksheet to determine the stage of the application.   + Complete Part 1 – Terms of Development exercise   + Be prepared to share your responses and rationale with the class. * **Time allowed: 10 minutes** |  |
| **Practice Exercise: Terms of Development** |  |
| **Request Appointment of Fiduciary for Incompetency Claims Objectives**   * Understand the role of the regional office (RO) in requesting appointment of a fiduciary for an incompetency claim * Understand how and when to forward an incompetency claim to the Hub of jurisdiction * Recognize incompetency indicators * Identify the elements of the proposed notice of incompetency rating * Present proper notification of the Brady Act * Process award |  |
| **Indicators of Incompetency**   * When reviewing the competency information on[***VA Form 21-2680***](http://www.vba.va.gov/pubs/forms/VBA-21-2680-ARE.pdf), ensure that the requirements of [**38 CFR 3.353(c)**](https://www.ecfr.gov/cgi-bin/text-idx?SID=a7f6e52c3a853812cdd9bcc166cf52c5&mc=true&node=se38.1.3_1353&rgn=div8)particularly, as it relates toincompetency must be based on   + clear, convincing evidence that leaves no doubt as to the person’s incompetency   + all evidence of record, and   + a consistent relationship between     - the percentage of disability, and/or     - facts relating to commitment or hospitalization |  |
| **Brady Act**   * The NICS Improvement Amendments Act of 2007 (NIAA) contains an amendment to the Brady Act that obligates VA to provide incompetent beneficiaries the opportunity to request relief from the reporting requirements the Brady Act imposes. * Beneficiaries determined to be incompetent by VA *must* be notified of the effects of the Brady Act in the   + notice of proposed adverse action that VA sends to communicate the rating activity’s proposal of incompetency, and   + final/contemporaneous decision notice that VA sends to communicate a final rating of incompetency |  |
| **Class Activity: Competent vs Incompetent**   1. (True or False?). Competency must be addressed in cases where a mental condition is initially evaluated as totally disabling or when the total evaluation is continued in a rating decision. 2. If an initial competency determination is needed, and there is no court decree of incompetency or court appointment of a fiduciary, who has sole authority to make the original competency determination? 3. (True or False?). If a legacy appeal is received regarding a final competency determination the PMC associated with the beneficiary’s home address has jurisdiction over the legacy appeal. 4. (True or False?). If a supplemental claim is received after a final competency determination the PMC rating activity has the authority to make the competency determination. 5. Name the regulation that prohibits the sale of firearms to certain individuals, including beneficiaries the VA determines are incompetent. |  |
| **Introduction to the Matching Program Objectives**   * Discuss the PMC’s responsibility in processing reports from the matching program​ * Explain the purpose of the matching program​ * Determine if an adjustment to VA benefits is required based on the reports received from the matching program​ * Determine which end product (EP) to establish​ |  |
| **Introduction to the Matching Program**   * **Matching**is the process of receiving regular updates from other Federal agencies and cross-referencing it with data contained within VA records to determine discrepancies or contradictions that may impact the entitlement of VA beneficiaries.​ * The Social Security Administration (SSA) compiles death information into one system of records known as the **death master file (DMF)**.​ * ***Federal tax information*** (FTI) is any return or return information received from the IRS or secondary source, such as SSA. ​   + The ***post award audit***(PAA) is an income match with the Internal Revenue Service (IRS) and the Social Security Administration (SSA) that allows the Department of Veterans Affairs (VA) to ensure a beneficiary continues to be entitled to VA benefits. |  |
| **Practice Exercise: Matching EPs**   * **Instructions:**    + Work in groups of two.   + Review the chart in Part 2 of Appendix A: Phase 5.2 Worksheet to determine the stage of the application.   + Complete Part 2 – Matching EPs exercise   + Be prepared to share your responses and rationale with the class. * **Time allowed: 10 minutes** |  |
| Practice Exercise: Matching EPs (Q&A)  **A 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 5.2 Knowledge Enhancer Prep Survey |  |

Appendix

