Pension and fiduciary service

PMC VSR Intermediate Core Course
Phase 5: Proficiency Development Part 6: Award Adjustments Extension

Phase 5.6 Knowledge Enhancer Prep

Trainee Guide

July 2024

Phase 5.6 Knowledge Enhancer Prep

Lesson Overview

| Topic | Description |
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| Time Estimate: | 3 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 5.6 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 5.6 KE Prep lesson, trainees must complete PMC VSR Core Course Phases 1–5.6.  |
| 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** job aid
* **Processing a SMP Claim** job aid
* **Processing a Grant of Benefits** job aid
* **Processing a Denial of Benefits** job aid
* **Incarceration/Fugitive Felon** job aid
* **Processing Contested Claims** job aid
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| Lesson Objectives: | By the end of this lesson, you should be able to:* Identify contested claims
* Determine steps required in processing Special Monthly Pension (SMP), Aid and Attendance (A&A) and Housebound (HB) claims
* Explain incarceration and fugitive felon adjustments
* Assess apportionment claims
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| What You Need: | * Trainee Guide
* Appendix A Phase 5.6 KE Prep Worksheet
* 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 |
| --- | --- |
| **Phase 5.6: Knowledge Enhancer Prep** |  |
| **Lesson Objectives*** Identify contested claims
* Determine steps required in processing Special Monthly Pension (SMP), Aid and Attendance (A&A) and Housebound (HB) claims
* Explain incarceration and fugitive felon adjustments
* Assess apportionment claims
 |  |
| **Why This Matters!*** Phase 5.6 is comprised of intermediate level courses requirements in processing contested, SMP, A&A, and HB claims, as well as determining incarceration, fugitive felon, and apportionment adjustments.
	+ the KE Prep is used to reinforce various concepts via practice activities and exercises for continued development.​
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| **Knowledge Enhancer Preparation Overview*** This Knowledge Enhancer preparation will consist of the following:
	+ Lesson objectives review
	+ Group activities/games
	+ Question/answer forum
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| **Phase 5.6 Lessons**1. Introduction to Contested Claims
2. Introduction to SMP, A&A and HB Claims
3. Introduction to Incarceration Adjustments
4. Introduction to Fugitive Felon Adjustments
5. Introduction to Apportionment Claims
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| **Introduction to Contested Claims Objectives*** Define types of contested claims
* Identify indicators of contested claims
* Determine if evidence is sufficient to process contested claims and apply the correct development actions for the information/evidence missing from claims
* Determine entitlement to contested claims
* Decide the award actions for contested claims
* Identify notification requirements
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| **Introduction to Contested Claims** |  |
| **Practice Exercise -Contested Claims*** **Instructions:**
	+ Work in groups of two.
	+ Review the chart in Part 1 of Appendix A: Phase 5.6 Worksheet to determine correct actions.
	+ Complete Part 1 – Contested Claims exercise
	+ Be prepared to share your responses and rationale with the class.
* **Time allowed: 30 minutes**
 |  |
| **Practice Exercise: Contested Claims Q&A** |  |
| **Introduction to SMP, A&A, and HB Claims Objectives*** Define Special Monthly Pension (SMP), Aid and Attendance (A&A), and Housebound Status (HB)
* Determine Who May Qualify for A&A and Housebound Status Under 38 CFR 3.351
* Identify the Correct VA Forms for SMP
 |  |
| **Introduction to SMP, A&A, and HB Claims (1 of 2)** |  |
| **Introduction to SMP, A&A, and HB Claims (2 of 2)** |  |
| **Class Activity: SMP, A&A, and HB Claims**1. (Yes, or No?) Does an individual qualify for A&A if the person is a surviving spouse under 38 USC 1315(g)?
	1. Why or why not?
	2. Name the CFR reference that qualifies or disqualifies the person.
2. (Fill in the blank.). Veterans eligible for pension qualify for HB status if they have a single permanent disability rated \_\_ percent under a schedular evaluation and have other disabilities independently ratable at \_\_\_ percent or more or are permanently \_\_\_\_\_\_\_\_ by reason of their disabilities.
3. (True or False?). Beneficiaries may not receive increased Old-Law Pension or Section 306 Pension because of needing A&A or being HB.
 |  |
| Practice Exercise: SMP, A&A, and HB Claims* Instructions:
	+ Work in groups of 4.
	+ Review the sentences in Part 2 of Appendix A: Phase 5.6 Worksheet to determine the correct actions/response.
	+ Complete Part 2 – SMP, A&A, and HB Claims exercise
	+ Be prepared to share your responses and rationale with the class.
* Time allowed: 20 minutes
 |  |
| Practice Exercise: SMP, A&A, and HB Claims Q&AA picture containing text, clipart  Description automatically generated |  |
| Incarceration and Fugitive Felon Adjustments Objectives* Determine actions based on the source of the incarceration notification
* Determine actions based on the source of the fugitive felon notification
* Apply the correct development actions for the information/evidence missing from claim
* Decide the award action(s)
* Create decision notice
 |  |
| Incarceration Adjustments* [38 CFR 3.665](http://www.ecfr.gov/cgi-bin/text-idx?SID=1b6a528f90d9b9f9560fd80bdfcb0880&node=se38.1.3_1665&rgn=div8) requires the *reduction* of a beneficiary’s*Dependency and Indemnity Compensation (DIC)* when the beneficiary is incarcerated more than 60 days following conviction of a *felony*.
* A person incarcerated for conviction of a felony may not receive full DIC after 60 full days of incarceration, under [38 CFR 3.665(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=d589e6e17068acb5d01428ea33eea509&mc=true&node=se38.1.3_1665&rgn=div8).
* Payment is reduced to one-half the rate that is payable to a Veteran for a service-connected (SC) disability VA has rated 10-percent disabling, according to [38 CFR 3.665(d)(3)](https://www.ecfr.gov/cgi-bin/text-idx?SID=d589e6e17068acb5d01428ea33eea509&mc=true&node=se38.1.3_1665&rgn=div8).
* [38 CFR 3.666](http://www.ecfr.gov/cgi-bin/text-idx?SID=1b6a528f90d9b9f9560fd80bdfcb0880&node=se38.1.3_1666&rgn=div8) requires the *discontinuance* of a beneficiary’s *pension* when the beneficiary is incarcerated more than 60 days following conviction of a *felony or misdemeanor*.
* The proper effective date for reducing or discontinuing benefits is the 61st day of incarceration.
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| Fugitive Felons* [38 USC 5313B](https://www.law.cornell.edu/uscode/text/38/5313B) prohibits the payment of VA benefits to a beneficiary or apportionee while the beneficiary is a fugitive felon, and the dependent(s), to include apportionees of a Veteran while the *Veteran* is a fugitive felon, and *additional* VA benefits to a beneficiary for a *dependent* who is a fugitive felon.
* Dependent children of a fugitive surviving spouse may continue to receive benefits in their own right.
 |  |
| Class Activity: Remove the Dependent1. Name the required action you must take when it is determined that the name, date of birth, and Social Security number (SSN) that is printed on *Form FFP-3* matches the beneficiary or dependent in receipt of pension.
2. You (do or do not) reduce benefits if the beneficiary is incarcerated in a foreign penal institution.
3. You (do or do not) reduce benefits if the beneficiary is residing in a civil commitment center.
4. Name 4 official Federal, State and local government sources for information regarding an individual’s incarceration that VA acknowledges.
 |  |
| Introduction to Apportionment Claims Objectives* Define Apportionment
* Identify the correct VA Form for apportionment
* Determine who may receive an apportionment of a beneficiary’s benefits
* Identify regulations under which VA may apportion benefits
* Identify situation where an apportionment is not appropriate
 |  |
| Introduction to Apportionment Claims (1 of 2)* The Department of Veterans Affairs (VA) will consider a claim for an apportionment of a beneficiary’s VA benefits only upon receipt of [*VA Form 21-0788, Information Regarding Apportionment of Beneficiary’s Award*](http://www.vba.va.gov/pubs/forms/VBA-21-0788-ARE.pdf).
* An apportionment may be paid to or for a Veteran’s
	+ estranged spouse
	+ child that is in an estranged or former spouse’s custody
	+ child that is not living with the Veteran or the Veteran’s surviving spouse, or
	+ dependent parent
 |  |
| Introduction to Apportionment Claims (2 of 2)* When processing an apportionment claim, claims processors must first determine whether an apportionment is payable under the provisions of [38 CFR 3.450](https://www.ecfr.gov/cgi-bin/text-idx?SID=ae4a064bca7bd1d97d0b922686fe15cb&mc=true&node=se38.1.3_1450&rgn=div8).
	+ The evidence of record must show the following to justify the apportionment of a Veteran’s benefits to an estranged spouse under the provisions [38 CFR 3.450](https://www.ecfr.gov/cgi-bin/text-idx?SID=ae4a064bca7bd1d97d0b922686fe15cb&mc=true&node=se38.1.3_1450&rgn=div8):
		- spouse does not reside with the Veteran, and
		- Veteran is not providing a reasonable level of support to the spouse
* If benefits are not apportionable under [38 CFR 3.450](https://www.ecfr.gov/cgi-bin/text-idx?SID=ae4a064bca7bd1d97d0b922686fe15cb&mc=true&node=se38.1.3_1450&rgn=div8), claims processors must determine whether a special apportionment under the provisions of [38 CFR 3.451](https://www.ecfr.gov/cgi-bin/text-idx?SID=ae4a064bca7bd1d97d0b922686fe15cb&mc=true&node=se38.1.3_1451&rgn=div8) is in order.
 |  |
| Class Activity: Apportionment Claims1. Which CFR prohibits the apportioning of a Veteran’s benefits for a child the Veteran has given up for adoption?
2. If a claimant is a child under age 18, or child aged 18 or older who is permanently incapable of self-support, payment of VA education benefits (does or does not) preclude the child from concurrently receiving an apportionment of disability or survivors' benefits, if the individual case warrants this action?
3. (True or False?). VA may apportion benefits to a dependent, even if the dependent is not on the beneficiary’s award, if the dependent’s relationship to the Veteran, on whose service the award is based, is properly established.
4. If the beneficiary is a surviving spouse or child in receipt of DIC, and benefits are subject to reduction because the surviving spouse was incarcerated, you should consider the provisions under which CFR to determine entitlement to an apportionment?
 |  |
| Practice Exercise: Apportionment Claims* Instructions:
	+ Work in groups of 4.
	+ Review the sentences in Part 3 of Appendix A: Phase 5.6 Worksheet to determine apportionment is payable or not payable.
	+ Complete Part 3 – Apportionment Claims exercise
	+ Be prepared to share your responses and rationale with the class.
* Time allowed: 20 minutes
 |  |
| Practical Exercise: Apportionment Claims Q&AA picture containing text, clipart  Description automatically generated |  |
| What’s Next* Assigned Knowledge Check in the Assessment Portal as determined by the Training Manager (TM) and/or Instructor.
* Complete the Phase 5.6 Knowledge Enhancer Prep Survey
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Appendix

**Introduction to SMP, A&A, and HB Claims**

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