

PENSION AND FIDUCIARY SERVICE

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

# Lesson 7: Introduction to Old Law and Section 306 Programs Lesson Plan

October 28, 2016 Version 1.0

## Introduction to Old Law and Section 306

#### Lesson Overview

Торіс	Description	
Time Estimate:	30 min.	
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 PMC VSRs to recognize Section 306 and Old Law Pension related claims.	
Prerequisite Training Requirements:	Prior to taking Introduction to Old Law and Section 306 lesson, trainees must complete PMC VSR Core Course Phases 1–4, and Phase 5, Part 1, lessons 1–6. (Refer to the <b>Master Course Map</b> learning aid for a list of lessons.)	
Target Audience:	This lesson is for entry level PMC VSRs.	
Lesson References:	<ul> <li>Master Course Map learning aid</li> <li>M21-1 V.iii.1.C (Section 306 Pension and Old Law Pension)</li> <li>M21-1 V.iii.1.C.1.a (Continuity of Entitlement)</li> <li>M21-1 V.iii.1.C.1.b (Calendar Year IVAP)</li> <li>M21-1 V.iii.1.C.1.c (Section 306 Pension Countable Income)</li> <li>M21-1 V.iii.1.C.1.e (Old Law Pension Countable Income)</li> <li>M21-1 V.iii.1.E.2.a. (General Information on MAPR)</li> <li>M21-1 V.iii.5.1.c (When the Right of Continued Entitlement to Old Law or Section 306 Pension Is Not Protected)</li> <li>M21-1 V.iii.5.1.d (Changing a Beneficiary's Benefit Type)</li> <li>M21-1 V.iii.5.2.b (Action to Take When an Election is Not In the Claimant's Interest)</li> </ul>	
	Old Law and Section 306 Pension Programs job aid	
Knowledge Check:	Phase 5: Stages of a claim, Part 1a: Initial Screening and Claims Establishment Knowledge Check	

Торіс	Description	
Technical	Program Benefits and Eligibility (PMC VSR)	
Competencies:	Processing Claims (PMC VSR)	
	VBA Applications (PMC VSR)	
Lesson	Recognize an Old Law or Section 306 pension claim.	
Objectives:	Describe the characteristics of Old Law.	
	Describe the characteristics of Section 306 pension.	
What You	Lesson plan	
Need:	Master Course Map learning aid	
	• Slides	
	Projector	
	Access to VBA Intranet	
	Pen and paper or access to a whiteboard	
	Access to the following systems:	
	o SHARE	
	o VVA	
	o VBMS	
	<ul> <li>C&amp;P Awards (VETSNET)</li> </ul>	
	o BDN	
	<ul> <li>Access to the Old Law and Section 306 Pension Programs job aid from VSR Assistant</li> </ul>	
	<ul> <li>Access to two Academy mode claimant records to demonstrate the following:</li> </ul>	
	<ul> <li>Claim 1: Identifying an Old Law claim (entitlement date, entitlement code, fixed rate)</li> </ul>	
	<ul> <li>Claim 2: Identifying a Section 306 pension claim (entitlement date, entitlement code, fixed rate)</li> </ul>	

#### **Instructor Notes**

This lesson is a continuation of the initial screening process. This lesson provides trainees with an overview of Old Law and Section 306 programs and how to

recognize and review pension claims whose rates are protected by these programs. Trainees are also provided with general characteristics of each type and examples.

PowerPoint Slides	Instructor Activities
Lesson 7: Introduction to Old Law and Section 306 Programs	DISPLAY slide 1. "Lesson 7: Introduction to Old Law and Section 306 Programs" INTRODUCE yourself as the instructor. INTRODUCE the lesson.
You Are Here	DISPLAY slide 2. "You Are Here"
PHASE 5 PART 1 Determine Eligibility PHASE 5 PART 2 PHASE 5 PART 2 Process a Claim U	
PHASE 5 PART 3 Promulgate Non-Rating or Rating Decision	<b>REFER</b> trainees to the <b>Master Course Map</b> learning aid in the Trainee Guide.
PHASE 5 PART 4 Prepare Decision Notice	DESCRIBE the diagram.
PHASE 5 PART 5 Award Adjustments	<b>EXPLAIN</b> where the trainees are in the phase, what they have completed, and where they are headed next.
	<b>INFORM</b> trainees that Phase 5, Part 1: Determine Eligibility contains five subparts. The first subpart contains several lessons that focus on the initial screening.
	<b>EMPHASIZE</b> to trainees that each of these lessons relates to the others as part of the initial screening process.

PowerPoint Slides	Instructor Activities
Initial Screening	DISPLAY slide 3. "Initial Screening"
<ul> <li>Complete or Incomplete Applications for Benefits</li> <li>Fully Developed Claims</li> </ul>	<b>REMIND</b> trainees that during the initial screening process, the PMC VSR verifies whether
<ul> <li>Flash, Expedited (Priority), Previous, Dual or</li> </ul>	the Claims Assistant has processed the initial screening correctly and evaluates other aspects of the claim.
<ul><li>Reopened/New Claims</li><li>Date of Claim</li></ul>	<b>INFORM</b> trainees that this lesson will focus on recognizing Old Law and Section 306 claims.
<ul> <li>Validate POA</li> <li>End Product Codes</li> </ul>	<b>REMIND</b> trainees that they have learned how to perform the following parts of the initial screening:
<ul> <li>Introduction to Old Law and Section 306 Pension Programs</li> </ul>	<ul> <li>Determine whether the application for benefits is complete or incomplete.</li> </ul>
	<ul> <li>Determine if a claim can be processed as a fully developed claim (FDC).</li> </ul>
	Review priority and special claims.
	• Confirm the Date of Claim (DOC) is correct.
	Validate Power of Attorney (POA).
	Confirm the End Product (EP) code is correct.

PowerPoint Slides	Instructor Activities
<ul> <li>Why You Need to Know about</li> <li>Old Law and</li> <li>Section 306 Pension</li> <li>Programs</li> <li>These types of claims are rare.</li> <li>Entitlement to these pension</li> </ul>	DI SPLAY slide 4. "Why You Need to Know about Old Law and Section 306 Pension Programs" REFER to M21-1 V.iii.1.C (Section 306 Pension
programs is restricted to beneficiaries who were continuously entitled to receive benefits from the dates on which the programs were phased out until the present.	<ul> <li>and Old Law Pension). Give them a few minutes to read the section.</li> <li><b>EXPLAIN</b> that these types of claims are rare and it is highly unlikely that trainees will see one.</li> </ul>
<ul> <li>Section 306 and Old Law beneficiaries continue to receive the rates to which they were entitled on their respective phase-out dates.</li> </ul>	<b>EMPHASIZE</b> that these pensions have been phased out and can only be continued if a beneficiary is currently receiving entitlement for Old Law or Section 306 pension. These rates are fixed and cannot be adjusted unless the beneficiary reports a countable income change that will terminate benefits. Benefits cannot be reduced based on income but can be terminated.
Technical Competencies	DISPLAY slide
<ul> <li>Program Benefits and Eligibility (PMC VSR)</li> </ul>	<ol> <li>"Technical Competencies"</li> <li>REVIEW technical competencies with trainees.</li> </ol>
Processing Claims (PMC VSR)	
VBA Applications (PMC VSR)	
Lesson Objectives	DISPLAY slide
Recognize an Old Law or Section 306 pension claim.	<ul><li>6. "Lesson Objectives"</li><li>PRESENT the objectives for the lesson.</li></ul>
Describe the characteristics of Old Law.	
Describe the characteristics of Section 306 pension.	

PowerPoint Slides	Instructor Activities
Knowledge Check	DISPLAY slide 7. "Knowledge Check"
PHASE 5 PART 1a Initial Screening and Establishing a Claim PHASE 5 PART 1b Basic Eligibility PHASE 5 PART 1c Income Eligibility PHASE 5 PART 1c Income Eligibility PHASE 5 PART 1d Phase 5 Part 1a Knowledge Check PHASE 5 PART 1c Income Eligibility PHASE 5 PART 1d Phase 5 Part 1c Knowledge Check PHASE 5 PART 1d Phase 5 Part 1d Knowledge Check	<ul> <li>EXPLAIN that a Knowledge Check will be given at the end of Phase 5, Part 1a, that covers all material learned in Phase 5, Part 1a.</li> <li>Weight Strand Strand</li></ul>

PowerPoint Slides	Instructor Activities
What You Need to Know about Old Law and Section 306 Pension Claims	<b>DI SPLAY</b> slide <b>8.</b> "What You Need to Know about Old Law and Section 306 Pension Claims"
<ul> <li>These are most likely to be seen during claim maintenance.</li> </ul>	<b>EXPLAIN</b> that they may come across these claims when performing claim maintenance. Claim maintenance will be taught in a later
<ul> <li>Old Law and Section 306 pension rates are protected.</li> <li>If a beneficiary of Old Law or</li> </ul>	lesson.
Section 306 wants to receive a higher rate of pension, the beneficiary must elect	<b>REFER</b> trainees to CPKM and have them locate and read the following sections:
<ul><li>current-law pension.</li><li>Old Law and Section 306 pension can be discontinued</li></ul>	<ul> <li>M21-1 V.iii.5.1.c (When the Right of Continued Entitlement to Old Law or Section 306 Pension Is Not Protected)</li> </ul>
due to: o Fraud	<ul> <li>M21-1 V.iii.5.1.d (Changing a Beneficiary's Benefit Type)</li> </ul>
o Treason	<ul> <li>M21-1 V.iii.5.2.b (Action to Take When an Election is Not In the Claimant's Interest)</li> </ul>
<ul> <li>Subversion</li> </ul>	Choose a trainee to summarize each section.
• Exceeding the income Se	<b>DISCUSS</b> situations in which Old Law and Section 306 rates are not protected, such as pension awarded based on a fraudulent claim.
	<b>ENSURE</b> understanding of changing a beneficiary's benefit type based on election of current-law pension and that changing the benefit may not always be in the best interest of the beneficiary.

PowerPoint Slides	Instructor Activities
Overview of Old Law and Section 306 Pension Programs	<b>DISPLAY</b> slide <b>9.</b> "Overview of Old Law and Section 306 Pension Programs"
<ul> <li>Entitlement is restricted to beneficiaries who were continuously entitled to receive benefits from the dates on which the programs were phased out until the present.</li> <li>Old Law</li> </ul>	EMPHASIZE that beneficiaries must have been eligible for this benefit prior to the dates listed on the slide to receive entitlement.
o June 30, 1960	REFER to the Old Law and Section 306
Section 306	Pension Programs job aid in the VSR Assistant
o December 31, 1978	for further information on the differences between Old Law and Section 306 pension.

PowerPoint Slides	Instructor Activities
Characteristics of Old Law Pension Program	<b>DISPLAY</b> slide <b>10.</b> "Characteristics of Old Law Pension Program"
<ul> <li>Benefits for Old Law are calculated on a calendar year basis.</li> </ul>	
<ul> <li>Claims for Old Law must show that continuous</li> </ul>	<b>REFER</b> to CPKM and have the trainees locate and read the following sections:
entitlement from June 30,	• M21-1 V.iii.1.C.1.a (Continuity of Entitlement)
1960, can be established.	• M21-1 V.iii.1.C.1.b (Calendar Year IVAP)
Only certain types of income constitute countable income for Old Law population hopofits	<ul> <li>M21-1 V.iii.1.C.1.e (Old Law Pension Countable Income)</li> </ul>
for Old Law pension benefits.	Choose a trainee to summarize each section.
	<b>PROVIDE</b> examples of types of countable income based on what is listed in the M21-1 V.iii.1.C.1.e reference.
	DEMO
	<b>DEMONSTRATE</b> Claim 1 in VBMS of an Old Law pension claim, emphasizing the entitlement date and fixed rate as indicators.
	<b>REFER</b> to the <b>Old Law and Section 306</b> <b>Pension Programs</b> job aid for more information regarding Old Law pension claim.

PowerPoint Slides	Instructor Activities
<ul> <li>PowerPoint Slides</li> <li>Characteristics of Section 306 Pension Program</li> <li>Benefits for Section 306 pension are calculated on a calendar year basis.</li> <li>Income must be below the Maximum Annual Pension Rate (MAPR) to keep the protected rate.</li> <li>Claims for Section 306 pension must show that continuous entitlement from December 31, 1978, can be established.</li> </ul>	<ul> <li>DISPLAY slide</li> <li>11. "Characteristics of Section 306 Pension Program"</li> <li>PROVIDE a brief definition of MAPR and explain that they will learn more about MAPR in a later lesson:</li> <li>M21-1 V.iii.1.E.2.a. (General Information on MAPR)</li> <li>REFER to CPKM and have the trainees locate and read the following:</li> <li>M21-1V.iii.1.C.1.c (Section 306 Pension</li> </ul>
	Countable Income) Choose a trainee to summarize each section. <b>PROVIDE</b> examples of types of countable income based on what is listed in the M21-1 V.iii.1.C.1.c reference. <b>DEMONSTRATE</b> Claim 2 in the VBMS Corporate Award screen of a Section 306 pension claim,
	<ul> <li>emphasizing the entitlement date and fixed rate as indicators.</li> <li>Image: Comparison of the content of the conte</li></ul>

PowerPoint Slides	Instructor Activities
<ul> <li>How to Recognize an Old Law or Section 306 Pension Claim</li> <li>Review entitlement column on the Award Information tab in the Corporate Record.</li> <li>Review the rate being received.</li> <li>Review the date of entitlement.</li> </ul>	<ul> <li>DI SPLAY slide</li> <li>12. "How to Recognize an Old Law or Section 306 Pension Claim"</li> <li>SHOW an example in VBMS, on the Corporate Award screen of a Section 306 and Old Law pension claim, emphasizing the entitlement date, entitlement column on the Award Information tab, and fixed rate.</li> <li>With the Old Law and Section 306 Pension Programs job aid for specific information regarding Old Law and Section 306 pension claims.</li> <li>With the Old Law or Section 306 pension and the section 306 pension claim and section 306 pension clai</li></ul>

PowerPoint Slides	Instructor Activities
Group Practice Exercise— Entitlement to Old Law and 306 Pension	<b>DI SPLAY</b> slide <b>13.</b> "Group Practice Exercise—Entitlement to Old Law and 306 Pension Benefits"
<ul><li>Benefits</li><li>Instructions:</li></ul>	<b>READ</b> the activity instructions on the slide to the trainees.
<ul> <li>The instructor will read the scenario(s) aloud.</li> </ul>	
<ul> <li>Access CPKM to use the M21-1.</li> </ul>	<b>REFER</b> to <b>Old Law and Section 306 Pension</b> <b>Programs</b> job aid. Refer to CPKM and have
<ul> <li>Raise your hand when you know the answer.</li> </ul>	<ul> <li>M21-1 V.iii.1.C.1.a (Continuity of Entitlement)</li> </ul>
<ul> <li>Explain the reason for your answer.</li> </ul>	<ul> <li>M21-1 V.iii.1.C.1.b (Calendar Year IVAP)</li> </ul>
• Time allowed: 10 min.	<ul> <li>M21-1 V.iii.1.C.1.c (Section 306 Pension Countable Income)</li> </ul>
	<ul> <li>M21-1 V.iii.1.C.1.e (Old Law Pension Countable Income)</li> </ul>
	<ul> <li>M21-1 V.iii.5.1.c (When the Right of Continued Entitlement to Old Law or Section 306 Pension Is Not Protected)</li> </ul>
	<ul> <li>M21-1 V.iii.5.1.d (Changing a Beneficiary's Benefit Type)</li> </ul>
	<ul> <li>M21-1 V.iii.5.2.b (Action to Take When an Election is Not In the Claimant's Interest)</li> </ul>
	<b>INSTRUCT</b> trainees to review the information provided in the job aid and manual sections and use the information to determine the answers for the upcoming scenarios.

PowerPoint Slides	Instructor Activities
Scenario 1—Is the Claimant Entitled to Old Law or 306 Pension Benefits?	<b>DISPLAY</b> slide <b>14.</b> "Scenario 1—Is the Claimant Entitled to Old Law or 306 Pension Benefits?"
You receive a submission of income from a claimant. You review the claim and see that the claimant is receiving entitlement under Section 306 pension. You review the submission of income and determine the income is from unemployment compensation. Based on the type of income received, is the claimant still entitled to receive Section 306 pension?	<ul> <li><b>READ</b> the scenario out loud. Give trainees a few minutes to determine the correct answer.</li> <li><b>W</b></li> <li><b>ASK</b> trainees to raise their hands when they have the answer. Call on the first trainee to raise their hand.</li> <li><b>NOTE</b> the answer is provided on the next slide.</li> </ul>

PowerPoint Slides	Instructor Activities
Scenario 1—Is the Claimant Entitled to Old Law or 306 Pension Benefits? Answer	<b>DISPLAY</b> slide <b>15.</b> "Scenario 1—Is the Claimant Entitled to Old Law or 306 Pension Benefits? Answer"
You receive a submission of income from a claimant. You review the claim and see that	<b>DISCUSS</b> the answer given and provide affirmation if the answer is correct and why. If the answer given is incorrect, provide the correct answer and why.
the claimant is receiving entitlement under Section 306 pension. You review the submission of income and determine the income is from unemployment compensation. Based on the type of income received, is the claimant still entitled to receive Section 306 pension?	• Yes, the claimant is still entitled to receive Section 306 Pension. The IVAP received is considered countable income toward the entitlement.
• Yes, the claimant is still entitled to receive Section 306 pension. The IVAP received is considered countable income toward the entitlement.	

PowerPoint Slides	Instructor Activities
Scenario 2—Should the Claimant Continue to Receive Old Law Pension Benefits? You receive an election from a claimant who was previously receiving pension under Old Law. After reviewing all information in the claim, you determine the monthly rate of the current-law pension would be less than what the claimant is currently receiving under Old Law pension. Based on your findings, what action would you take?	<ul> <li>DISPLAY slide</li> <li>16. "Scenario 2—Should the Claimant Continue to Receive Old Law Pension Benefits?"</li> <li>READ the scenario aloud. Give trainees a few minutes to determine the correct answer.</li> <li>Image: Solar Strain S</li></ul>

Scenario 2—Is the Claimant Entitled to Old Law or 306 Pension Benefits? AnswerDISPLAY slide 17. "Scenario 2—Is the Claimant Entitled to Old Law or 306 Pension Benefits? Answer"You receive an election from a claimant who was previously receiving pension under Old Law. After reviewing all information in the claim, you determine the monthly rate of the current-law pension would be less than what atclion would you take?DISPLAY slide 17. "Scenario 2—Is the Claimant with a locally generated affirmation if the answer given and provide affirmation if the answer is correct and why. If the answer and why Inform the claimant with a locally generated letter of the exact monthly rates payable under each law for the periods indicated.DISPLAY slide 17. "Scenario 2—Is the Claimant Entitled to Old Law or 306 Pension Benefits? Answer"Discuss the answer given and provide affirmation if the answer is correct and why. If the answer and whyInform the claimant with a locally generated letter of under each law for the periods indicated Inform the claimant with a locally generated letter of the exact monthly rates payable under each law for the periods indicated Inform the claimant with a locally generated letter of the exact monthly rates payable under each law for the periods indicated Inform the claimant with a locally generated letter of the exact monthly rates payable under each law for the periods indicated	PowerPoint Slides	Instructor Activities
State in the letter that due to an adverse result, VA will not take further action unless a signed statement is received	<ul> <li>Scenario 2—Is the Claimant Entitled to Old Law or 306 Pension Benefits? Answer</li> <li>You receive an election from a claimant who was previously receiving pension under Old Law.</li> <li>After reviewing all information in the claim, you determine the monthly rate of the current-law pension would be less than what the claimant is currently receiving under Old Law pension.</li> <li>Based on your findings, what action would you take?</li> <li>Inform the claimant with a locally generated letter of the exact monthly rates payable under each law for the periods indicated.</li> <li>State in the letter that due to an adverse result, VA will not take further action unless a</li> </ul>	<ul> <li>DISPLAY slide</li> <li>17. "Scenario 2—Is the Claimant Entitled to Old Law or 306 Pension Benefits? Answer"</li> <li>DISCUSS the answer given and provide affirmation if the answer is correct and why. If the answer given is incorrect, provide the correct answer and why.</li> <li>Inform the claimant with a locally generated letter of the exact monthly rates payable under each law for the periods indicated.</li> <li>State in the letter that due to an adverse result, VA will not take further action unless a signed statement is received stating desire to</li> </ul>

PowerPoint Slides	Instructor Activities
Lesson Recap—Old Law and Section 306 Pension Programs	<b>DISPLAY</b> slide <b>18.</b> "Lesson Recap—Old Law and Section 306 Pension Programs"
<ul><li>Protected programs</li><li>Most likely to be seen during</li></ul>	
<ul> <li>claim maintenance</li> <li>Entitlement restricted to beneficiaries who were</li> </ul>	<b>REFER</b> to the M21-1 and the Old Law and Section 306 Pension job aid for review.
continuously entitled to receive benefits from the	<b>DISCUSS</b> each point and remind the trainees where the information can be found:
dates on which the programs were phased out until the	<ul> <li>M21-1 V.iii.1.C.1.a (Continuity of Entitlement)</li> </ul>
present	• M21-1 V.iii.1.C.1.b (Calendar Year IVAP)
<ul> <li>Review date of entitlement and entitlement codes to determine if claimant is currently receiving Old Law or Section 306 pension benefits</li> <li>Only certain types of income constitute countable income for Old Law and Section 306 pension programs</li> </ul>	<ul> <li>M21-1 V.iii.1.C.1.c (Section 306 Pension Countable Income)</li> </ul>
	<ul> <li>M21-1 V.iii.1.C.1.e (Old Law Pension Countable Income)</li> </ul>
	<ul> <li>M21-1 V.iii.5.1.c (When the Right of Continued Entitlement to Old Law or Section 306 Pension Is Not Protected)</li> </ul>
	<ul> <li>M21-1 V.iii.5.1.d (Changing a Beneficiary's Benefit Type)</li> </ul>
	<ul> <li>M21-1 V.iii.5.2.b (Action to Take When an Election is Not In the Claimant's Interest)</li> </ul>
Questions?	DISPLAY slide
$\bigcirc$	<b>19.</b> "Questions?"
	<b>ASK</b> trainees if there are any concepts that are unclear or may need further review.

PowerPoint Slides	Instructor Activities
<ul> <li>What's Next</li> <li>Phase 5, Part 1, Lesson 8: Establish a Claim (CEST)</li> </ul>	DISPLAY slide 20. "What's Next" DISCUSS the upcoming lesson with trainees.
<ul> <li>Review of all job aids and references provided in this lesson</li> </ul>	<b>EMPHASIZE</b> that they review all previous lessons, job aids, handouts, and references if needed.