

## Enclosure B- Procedural Table for Processing Cases Requiring Proposed Rating Notification

### Purpose

This document provides the procedures for the fiduciary hubs to process cases when VA did not properly issue the original proposed rating notification letter or when VA did not include the Brady Handgun Violence Prevention Act (Brady Act) information in the notification letter. These procedures apply to cases identified in this Policy Letter as only requiring notice of due process.

### Procedures for Establishing Control and Issuing Due Process

Step	Action
1	Open the "DP not provided - Establish EP 609" task in Beneficiary Fiduciary Field System (BFFS) and assign to the appropriate employee.
2	<ol style="list-style-type: none"><li>1. Open the beneficiary record in BFFS.</li><li>2. If the beneficiary address is a PO Box, look up physical address in CLEAR and edit the beneficiary record.</li><li>3. Select the <b>Save</b> button to update the beneficiary record.</li></ol>
3	<ol style="list-style-type: none"><li>1. Add the initial appointment work item in BFFS.</li><li>2. Enter the date of the proposed rating as the <b>date of letter</b> field.</li><li>3. Enter the current date as the <b>received date</b> field.</li><li>4. Select the <b>Save</b> button to create the initial appointment work item in BFFS.</li></ol>
4	<ol style="list-style-type: none"><li>1. Establish EP 609 in the appropriate system (VBMS or SHARE).</li><li>2. Enter the date of the proposed rating as the date of claim.</li></ol>
5	If applicable, cancel any pending controlling EP 590, 600 or 607 related to due process for incompetency or any EP 290 related to fiduciary adjustment.
6	If applicable, cancel the "Local Regional Office- Special Use" diary or EP 810 created to control receipt of the proposed incompetency rating.
7	Confirm that reasonable efforts to contact the beneficiary by telephone for the purpose of verbally informing him or her of the Brady Act information were conducted. If documentation is not of record, contact the beneficiary in accordance with M21-1, III.v.9.B.3.e and M21-1, III.v.9.B.3.f.
8	Complete Letter 3, <i>Due Process Notification Letter</i> , in BFFS. Attach a copy of the proposed rating.

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9	<ol style="list-style-type: none"> <li>1. Create a “Misc Due” task in the BFFS work item.</li> <li>2. Enter “Due Process Expiration” in the subject field.</li> <li>3. Enter the date 65 days from the date of the notification letter in the <b>due date</b> field.</li> </ol>
10	Mark the BFFS “DP not provided - Establish EP 609” task as complete.
11	Select the <b>Assign to FSR Queue</b> button to update the initial appointment work item in BFFS. Do not finalize until due process expires or is waived by the beneficiary.

### Procedures for Finalizing the Rating

Step	Action						
1	Assign the initial appointment work item in Beneficiary Fiduciary Field System (BFFS) to the appropriate employee.						
2	Mark the “Due Process Expiration” Misc Due task as complete.						
3	<p>Confirm VA did not receive additional evidence or a hearing request.</p> <table border="1"> <thead> <tr> <th>If ...</th> <th>Then ...</th> </tr> </thead> <tbody> <tr> <td>VA received additional evidence or a request for a hearing since the original proposed rating</td> <td> <ol style="list-style-type: none"> <li>1. Refer the case to the co-located adjudication activity to complete the final rating.</li> <li>2. Select the <b>Send to VSC/PMC</b> button to update the initial appointment work item in BFFS.</li> </ol> <p>Take no further action until the co-located adjudication activity completes a final rating.</p> </td> </tr> <tr> <td>VA did not receive additional evidence or a request for a hearing</td> <td>Proceed to Step 4.</td> </tr> </tbody> </table>	If ...	Then ...	VA received additional evidence or a request for a hearing since the original proposed rating	<ol style="list-style-type: none"> <li>1. Refer the case to the co-located adjudication activity to complete the final rating.</li> <li>2. Select the <b>Send to VSC/PMC</b> button to update the initial appointment work item in BFFS.</li> </ol> <p>Take no further action until the co-located adjudication activity completes a final rating.</p>	VA did not receive additional evidence or a request for a hearing	Proceed to Step 4.
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VA did not receive additional evidence or a request for a hearing	Proceed to Step 4.						
4	<ol style="list-style-type: none"> <li>1. Complete the final incompetency rating.</li> <li>2. Select the <b>Decision Complete</b> button to update the initial appointment work item in BFFS.</li> </ol>						

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	3. Assign the initial appointment work item to the appropriate employee.
5	Complete the final determination notification letter.
6	<ol style="list-style-type: none"> <li>1. Generate the EP 609 award.</li> <li>2. Complete the Initial Request for Appointment Information fields in the beneficiary record in BFFS.</li> <li>3. Select the <b>Process 600 Complete</b> button to update the initial appointment work item in BFFS. (<b>Process 600 Complete</b> button will change to <b>Process 590 Complete</b> with release of BFFS 3.0 on April 24, 2016.)</li> <li>4. Assign the initial appointment work item to the appropriate employee.</li> </ol>
7	Authorize the EP 609 award. Authorization of the EP 609 must be performed by an employee other than the employee who generated the award.
8	Ensure the notification letter and award are uploaded in the eFolder. Manually upload the notification letter and award if they are not available in the eFolder.
9	Send the final determination notification letter to the <ul style="list-style-type: none"> <li>•beneficiary</li> <li>•power of attorney (if applicable)</li> <li>•court appointed representative (if applicable)</li> </ul>
10	<ol style="list-style-type: none"> <li>1. Establish EP 297 with claim label "FID-Fiduciary Adjustment" in appropriate system (VBMS or SHARE).</li> <li>2. Enter the date of the final rating as the date of claim.</li> </ol>
11	Select the <b>Assign to FE</b> button to update the initial appointment work item in BFFS.

**Note:** Final decisions of a beneficiary's inability to manage benefits are not subject to review by a Veterans Service Organization as required by M21-1, I.3.B.1.

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### **Procedures for Finalizing the Fiduciary Appointment**

The fiduciary hub must cancel the EP 850, with claim label “Review, Control and Processing” upon completion of the initial appointment work item and EP 297.