

Enclosure D- Procedural Tables for Processing Cases Requiring Final Rating- Additional Evidence or Hearing Request

Purpose

This document provides the procedures for controlling and processing cases requiring a final rating of incompetency when due process notification is of record and VA received additional evidence or a hearing request.

Procedures for Establishing Control

Step	Action
1	Open the "DP provided - Establish EP 609, forward to co-located adjudication activity" task in Beneficiary Fiduciary Field System (BFFS) and assign to the appropriate employee.
2	<ol style="list-style-type: none">1. Open the beneficiary record in BFFS.2. If the beneficiary address is a PO Box, look up physical address in CLEAR and edit in the beneficiary record.3. Select the Save button to update the beneficiary record.
3	<ol style="list-style-type: none">1. Add the initial appointment work item in BFFS.2. Enter the date of the proposed rating in the date of letter field.3. Enter the current date as the received date field.4. Select the Save button to create the initial appointment work item in BFFS.
4	<ol style="list-style-type: none">1. Establish EP 609 in appropriate system (VBMS or SHARE).2. Enter the date of the proposed rating as the date of claim.
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	<ol style="list-style-type: none">1. Refer the case to the co-located adjudication activity to complete the final rating.2. Select the Send to VSC/PMC button to update the initial appointment work item in BFFS.
8	Mark the BFFS "DP provided - Establish EP 609, forward to co-located adjudication activity" task as complete.

Procedures for Finalizing the Rating

Step	Action						
1	Assign the EP 609 to the appropriate employee in the appropriate system (VBMS or SHARE).						
2	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.						
3	<p>Review evidence submitted by the beneficiary related to the competency issue.</p> <table border="1" data-bbox="370 699 1406 995"> <thead> <tr> <th data-bbox="370 699 886 739">If...</th> <th data-bbox="886 699 1406 739">Then...</th> </tr> </thead> <tbody> <tr> <td data-bbox="370 739 886 921">If development is needed, including a hearing</td> <td data-bbox="886 739 1406 921">complete all development following normal standards and procedures for tracking and timeliness. After development is complete, continue to step 4.</td> </tr> <tr> <td data-bbox="370 921 886 995">If no subsequent development is needed</td> <td data-bbox="886 921 1406 995">proceed to step 4.</td> </tr> </tbody> </table>	If...	Then...	If development is needed, including a hearing	complete all development following normal standards and procedures for tracking and timeliness. After development is complete, continue to step 4.	If no subsequent development is needed	proceed to step 4.
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If development is needed, including a hearing	complete all development following normal standards and procedures for tracking and timeliness. After development is complete, continue to step 4.						
If no subsequent development is needed	proceed to step 4.						
4	Complete the final incompetency rating in the appropriate system (VBMS or SHARE).						
5	<table border="1" data-bbox="370 1157 1406 1782"> <thead> <tr> <th data-bbox="370 1157 886 1197">If...</th> <th data-bbox="886 1157 1406 1197">Then...</th> </tr> </thead> <tbody> <tr> <td data-bbox="370 1197 886 1308">VA determines the beneficiary is able to manage his or her VA benefits</td> <td data-bbox="886 1197 1406 1308">complete the decision notification letter in the appropriate system.</td> </tr> <tr> <td data-bbox="370 1308 886 1782">VA determines the beneficiary is unable to manage his or her VA benefits</td> <td data-bbox="886 1308 1406 1782"> <p>If VA re-issued due process under this Draft Letter, send the final determination notification letter available in the appropriate system (VBMS or PCGL).</p> <p>If due process was properly issued prior to this Draft Letter, modify and complete the Letter 2, <i>Final Rating Without Notice or Final Rating by Hub Letter</i> to include the correct address for Centralized mail.</p> </td> </tr> </tbody> </table>	If...	Then...	VA determines the beneficiary is able to manage his or her VA benefits	complete the decision notification letter in the appropriate system.	VA determines the beneficiary is unable to manage his or her VA benefits	<p>If VA re-issued due process under this Draft Letter, send the final determination notification letter available in the appropriate system (VBMS or PCGL).</p> <p>If due process was properly issued prior to this Draft Letter, modify and complete the Letter 2, <i>Final Rating Without Notice or Final Rating by Hub Letter</i> to include the correct address for Centralized mail.</p>
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6	Generate the EP 609 award in the appropriate system (VBMS or SHARE).						

7	Authorize the EP 609 award in the appropriate system (VBMS or SHARE). Authorization of the EP 609 must be performed by an employee other than the employee who generated the award.						
8	Upload the notification letter and award to the eFolder.						
9	Send the notification letter to the <ul style="list-style-type: none"> •beneficiary •power of attorney (if applicable) •court appointed representative (if applicable) <p>Attach the final rating and the proposed rating notification letter.</p>						
10	<table border="1"> <thead> <tr> <th>If...</th> <th>Then...</th> </tr> </thead> <tbody> <tr> <td>VA determines the beneficiary is able to manage his or her VA benefits</td> <td>Notify the fiduciary hub of the decision.</td> </tr> <tr> <td>VA determines the beneficiary is unable to manage his or her VA benefits</td> <td> <ol style="list-style-type: none"> 1. Establish EP 297 with claim label "FID-Fiduciary Adjustment" in appropriate system (VBMS or SHARE). 2. Enter the date of the final rating as the date of claim. 3. Notify the fiduciary hub. </td> </tr> </tbody> </table>	If...	Then...	VA determines the beneficiary is able to manage his or her VA benefits	Notify the fiduciary hub of the decision.	VA determines the beneficiary is unable to manage his or her VA benefits	<ol style="list-style-type: none"> 1. Establish EP 297 with claim label "FID-Fiduciary Adjustment" in appropriate system (VBMS or SHARE). 2. Enter the date of the final rating as the date of claim. 3. Notify the fiduciary hub.
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Note: Final decisions of a beneficiary’s inability to manage benefits are not subject to review by a Veteran Service Organization as required by M21-1, I.3.B.1.

Procedures for Updating the Initial Appointment Work Item

1	Review the notification from the co-located adjudication activity.						
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2	Open the initial appointment work item in BFFS.						
3	1. Select "Awaiting Authorization" from the Rollback dropdown on the initial appointment work item.						

	2. Select the Save button.
4	Select the Assign to FE button to update the initial appointment work item in BFFS.

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.