

Veterans Benefits Administration



February, 2016

Introduction to Claims Process



Objectives

- Describe the general benefits categories
- Identify what constitutes a substantially complete application
- Define claim types
- Overview of Adjudicative Process

References

- 38 CFR Part 3 - Adjudication
- 38 CFR Part 4 – Rating Schedule
- M21-1 (Archive) Part I Appendix A
- M21-1 MR Part III.i-v



General Benefit Categories

SERVICE CONNECTED (SC) COMPENSATION:

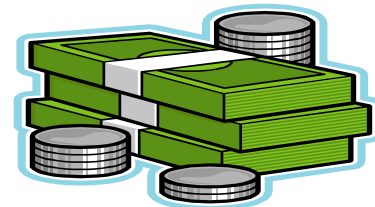
- based on service related disability
 - or death



NON SERVICE CONNECTED (NSC)

PENSION:

- based on non service related disability or death,
- wartime service,
- income and net worth





Eligibility

Status

- Who is an applicant?
- Who is a claimant?
- How do we determine the difference between?

Requirements

Substantially complete application requires:

- Claimant's name
- Service Data
- Statement of disabilities claimed
- Proper Signature
- Income Information (Pension, Parents' DIC only)
- Social Security Number



Types of Claims

Formal

- On prescribed form
- Substantially complete

Intent to File

- On prescribed form
- Must be followed with a formal application if not in file

Original Claim

- The first claim filed by a Veteran or claimant (establishes their compensation record)

Reopened

- A claim after final disallowance of an earlier claim on the same issue.
- A decision becomes final one year after the claimant is notified of the decision.
- Requires new and material evidence to reopen the claim.

New Evidence: existing evidence not previously submitted to VA decision makers.

Material evidence: evidence must relate to the reason the claim was previously denied



Types Of Claims (cont.)

Requests for Reconsideration

- A request for a benefit that was previously denied
- The denial is less than a year old
- Therefore, the decision is not final
- The claim is still open for reconsideration

New Claim

- A review of new evidence based on new application
- Is factually distinct from the former claim
- Does not involve any reconsideration of an earlier disposition

Claim for Increase

- Any application for an increase in rate of benefit being paid

Inferred Issues

- Involves issues derived from the consideration or outcome of related issues
- Often involves ancillary benefits
- See M21-1MR III.iv.6.B.3 for examples

Fully Developed Claims (FDC)

- Evidence submitted *with* the claim to minimize processing time



NSC Pension and Survivors Benefits

NSC Pension

- Special monthly Pension (SMP) based on
 - Need for aid and attendance or
 - Housebound status
- Additional Veterans Pension benefits for a Veteran with a child incapable of self-support

Survivors Benefits

- Dependency and Indemnity Compensation (DIC)
- DIC under 38 U.S.C. 1318
- DIC under 38 U.S.C. 1151
- Survivors Pension and Parents DIC
- Additional survivors benefits based on:
 - Need for aid and attendance or
 - Housebound Status



VA Adjudicative Process

- An entitlement decision is a decision made by a Veterans Service Representative (VSR)
- A rating decision is a decision made by a Rating Veterans Service Representative (RVSR)

Claims Status Process





Summary

You now have basic information on:

- General Benefits Categories
- Applications and Status
- Types of Claims
- Overview of the Adjudicative Process



Questions