#### Department of Veterans Affairs M21-1, Part I, Chapter 2

**Veterans Benefits Administration July 5, 2015**

**Washington, DC 20420**

#### Transmittal Sheet

|  |  |
| --- | --- |
| Changes Included in This Revision | The table below describes the changes included in this revision of Veterans Benefits Manual M21-1, Part I, “Claimants Rights and Responsibilities,” Chapter 2, “Due Process.”   * The term “regional office” (RO) also includes pension management center (PMC), where appropriate. * Unless otherwise noted, the term “claims folder” refers to the official, numbered, Department of Veterans Affairs (VA) repository – whether paper or electronic – for all documentation relating to claims that a Veteran and/or his/her survivors file with VA.   ***Notes***:   * Minor editorial changes have also been made to * update incorrect or obsolete references * update the term “notification letter” to “decision notice” * update obsolete terminology, where appropriate * remove references to specific claims-processing systems, where doing so does not affect the clarity of the instructions or information provided * renumber each topic based on the standard that the first topic in each section is Topic 1 * reassign alphabetical designations to individual blocks, where necessary, to account for new and/or deleted blocks within a topic * update section and topic titles to more accurately reflect their content * clarify block labels and/or block text, and * bring the document into conformance with M21-1 standards. |

|  |  |
| --- | --- |
| Reason(s) for the Change | Citation |
| * To add guidance for hearings requested in response to a proposal of incompetency. * To remove guidance on extensions of the adverse action period for developing for evidence as this is contrary to duty to assist rules. | M21-1, Part I, Chapter 2, Section C, Topic 1, block d (I.2.C.1.d) |
| To remove duplicate procedures for responding to an invalid notice of disagreement (NOD) and add a reference to I.2.B where the procedures are located. | I.2.C.2.b |
| * To remove the 60-day limit for developing for evidence. * To remove references on reasonable efforts for obtaining evidence and add a more relevant reference for information on obtaining evidence after a proposed adverse action. | I.2.C.2.c |
| * To clarify that requests by the beneficiary for VA to obtain evidence during the adverse action period should follow the duty to assist guidelines. * To add references for requesting evidence from sources other than the claimant and service records. * To remove outdated procedures for evidence development. | I.2.C.2.d |
| To add a reference to preparing a new decision when additional evidence is received during the proposed adverse action period. | I.2.C.2.f |
| To add guidance for when additional evidence changes the proposed adverse decision. | I.2.C.2.g |
| * To add an exception to the time limit for hearing requests for hearings requested in response to a proposal of incompetency. * To include additional references for end product (EP) controls and proposed incompetency. | I.2.C.3.a |
| To add a new block containing guidance for claims when final action is taken prematurely after a hearing was timely requested. | I.2.C.3.b |
| * To remove reference to the 30-day time limit for a hearing request. * To remove specific EP guidance and add a reference to where the full guidance on EPs is contained. | I.2.C.3.c |
| To remove specific EP guidance and add a reference to where the full guidance on EPs is contained. | I.2.C.3.d |
| To remove duplicate guidance about failing to appear for a hearing as it is contained in I.4.1.q. | I.2.C.3.f |
| * To add a note that duplicating the summary of evidence is unnecessary in the final decision notice. * To add references regarding when to provide a summary of evidence and other notification requirements. | I.2.C.4.b |
| To clarify procedures for sending the final decision notice. | I.2.C.4.c |

|  |  |
| --- | --- |
| Rescissions | None |

|  |  |
| --- | --- |
| Authority | By Direction of the Under Secretary for Benefits |

|  |  |
| --- | --- |
| Signature | Thomas J. Murphy, Director  Compensation Service |

|  |  |
| --- | --- |
| Signature | David R. McLenachan, Director  Pension and Fiduciary Service |

|  |  |
| --- | --- |
| Distribution | LOCAL REPRODUCTION AUTHORIZED |