#### Department of Veterans Affairs M21-1MR, Part I, Chapter 4

**Veterans Benefits Administration January 9, 2014**

**Washington, DC 20420**

#### Transmittal Sheet

|  |  |
| --- | --- |
| Changes Included in This Revision | The table below describes the changes included in this revision of Veterans Benefits Manual M21-1MR, Part I, “Claimant’s Rights and Responsibilities,” Chapter 4, “Hearings.”***Notes***: * The term regional office (RO) also includes pension management center (PMC), where appropriate.
* The term Veterans Service Center Manager (VSCM) also includes Pension Management Center Manager (PMCM), where appropriate.
* Minor editorial changes have also been made to
* update the term “veteran” to “Veteran”
* clarify block labels and/or block text
* rearrange blocks, and
* bring the documents into conformance with M21-1MR standards.
 |

|  |  |
| --- | --- |
| Reason(s) for the Change | Citation |
| To add a block to define ***hearing***. | Part I, Chapter 4, Topic 1, Block a (I.4.1.a) |
| To revise the block to add content on the purposes of a hearing. | I.4.1.b |
| To add a block to define ***testimony***. | I.4.1.c |
| To add a block to define ***argument***.  | I.4.1.d |
| To add a block to consolidate material from two current blocks on who conducts hearings and to add guidance on the relevant regulatory restrictions on participation in hearings (original determinative authority) and (participation in the proposed action or action appealed).  | I.4.1.e |
| To add a block to define ***original determinative authority***.  | I.4.1.f |
| To add a block consolidating material from several current blocks involving policy applications of the original determinative authority concept and to add guidance.  | I.4.1.g |
| To add a block to define the phrase ***did not participate in the proposed action or the decision being appealed***.  | I.4.1.h |
| To add a block on who must make a decision on a hearing.  | I.4.1.i |
| To add a block to establish a procedure where a hearing official is not available to make the subsequent decision.  | I.4.1.j |
| To remove unnecessary and redundant material and add references.  | I.4.1.l |
| To revise the existing block and provide a table to use in determining who conducts hearings for employee-claimants, and veteran service officer-claimants.  | I.4.1.m |
| To revise the block material on where to hold a hearing to add guidance on holding hearings at a RO closer to the claimant’s residence and to remove out of place and redundant material.  | I.4.1.n |
| To add a block on hearing facility requirements | I.4.1.o |
| To revise the guidance on attendance at hearings.  | I.4.1.q |
| To revise the guidance on non-adversarial nature of hearings to provide material on appropriate questioning and avoiding cross examination.  | I.4.2.a |
| To revise and consolidate the guidance on decorum and appearance of hearing personnel. | I.4.2.b |
| To add material from another block | I.4.2.c |
| The enhance the block content on the prohibition against conveying and expected decision during a hearing to clarify that the prohibition includes implying that a decision has been reached and to provide guidance on how the hearing official should respond in response to a question about what the decision will be.  | I.4.2.d |
| To add a new block on how the hearing official should respond to inappropriate behavior by hearing attendees | I.4.2.e |
| To add block content on timely scheduling of hearings to provide flexibility in assessing timeliness of hearings requested in appeal dockets and to provide a sublabel emphasizing the importance of expediting hearings in cases entitled to priority handling..  | I.4.3.a |
| * To include information on forms that must be completed when witnesses will be present at a hearing.
* To indicate that if explaining proceedings before going on the record recap the matters discussed before hand when the transcription begins.
 | I.4.4.a |
| To provide additional block content on holdings hearings where the representative is an attorney | I.4.4.b |
| To provide additional block content on matters to discuss when starting the hearing. | I.4.4.f |
| To add a reference. | I.4.4.i |
| To add an exception to the steps for ending a hearing. | I.4.4.j |
| * To update the procedure to reflect that when a claimant wishes to file a NOD during a hearing, the hearing official will provide the new VA Form 21-0958.
* To add notes.
 | I.4.5.b |
| To remove the existing Block c content which is incorrect, incomplete and which overlaps other blocks in the topic.  | I.4.5 |
| To remove existing Block a which duplicates material in an earlier topic in the chapter.  | I.4.7 |
| To remove existing Block b. The material has been moved to a prior topic in the chapter.  | I.4.7 |
| To add a reference | I.4.7.a |
| To improve the guidance on analyzing the competency of witnesses.  | I.4.7.b |
| To make a minor clarification of the block text. | I.4.7.d |

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

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

|  |  |
| --- | --- |
| Signature | Thomas J. Murphy, DirectorCompensation Service |

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