#### Department of Veterans Affairs M21-1, Part III, Subpart iv

**Veterans Benefits Administration April 22, 2015**

**Washington, DC 20420**

#### Transmittal Sheet

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| Changes Included in This Revision | The table below describes the changes included in this revision of Veterans Benefits Manual M21-1, Part III, “General Claims Process,” Subpart iv, “General Rating Process.”***Notes***: Minor editorial changes have also been made to * reassign alphabetical designations to individual blocks and repaginate, where necessary, to account for new and/or deleted blocks within a topic
* renumber each topic based on the standard that the first topic in each section is Topic 1
* update section and topic titles to more accurately reflect their content
* clarify block text and labels, and
* bring the documents into conformance with M21-1 standards.
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| Reason(s) for the Change | Citation |
| To introduce the concept of preservation of disability evaluations and discuss the regulatory principle. | M21-1, Part III, Subpart iv, Chapter 8, Topic 1, Block a (III.iv.8.C.1.a) |
| To add a new block to break out and elaborate upon determining whether protection applies under 38 CFR 3.951(b). | III.iv.8.C.1.b |
| To add a new block to provide guidance on handling cases where there may be protection at a lower level than the current evaluation.  | III.iv.8.C.1.c |
| To add a new block to break out and clarify that periods during which recoupment or deduction applied to an award are included when determining whether an evaluation has continuously been in effect for protection purposes.  | III.iv.8.C.1.d |
| To revise the block to clarfy the principle of protection in the absence of a monetary award by adding an example of election not to receive compensation and a court citation.  | III.iv.8.C. 1.e |
| To incorporate the principle that protection of evaluations under 38 CFR 3.951(b) applies to special monthly compensation (SMC) ratings.  | III.iv.8.C.1.g |
| To incorporate the holding of VAOPGCPREC 16-89 that erroneous, protected evaluations appropriately form the basis for SMC. | III.iv.8.C.1.h |
| To supplement the material on protection from retroactive evaluations to include a citation to VAOPGCPREC 68-91. | III.iv.8.C.1.i |
| To incorporate additional guidance including examples on protection and changes of diagnostic codes. | III.iv.8.C.1.k |
| To add a block incorporating VAOPGCPREC 4-96 on protection and breaking out evaluations of conditions erroneously rated together. | III.iv.8.C.1.l |
| To add a block providing guidance on protection of the evaluation of a disability eliminated by non-service connected (NSC) amputation.  | III.iv.8.C.1.m |
| To enhance the block content by introducing the statutory and regulatory basis for protection of service connection and incorporating a holding of VAOPGCPREC 6-02.  | III.iv.8.C.2.a |
| To clarify the guidance on measuring the 10-year period for protection of service connection. | III.iv.8.C.2.b |
| To add a block on protection of service connection for death, laying out the regulatory basis and discussing the holding of VAOPGCPREC 8-93.  | III.iv.8.C.2.c. |
| To add a block on protection and correction of diagnostic code or change in site of disability with examples based on VAOPGCPREC 50-91 and VAOPGCPREC 13-92. | III.iv.8.C.2.d |
| To add a block on protection of service connection for a disability eliminated by NSC amputation.  | III.iv.8.C.2.e |
| To add a block covering the holding of VAOPGCPREC 13-96 that protection is not applicable to benefits compensated under 38 U.S.C. 1151. | III.iv.8.C.2.f |
| To create a new topic on protection and rating schedule changes. | III.iv.8.C.4 |
| To relocate guidance from Topic 1 on protection against rating schedule chang es and add material on the provisions of 38 CFR 3.951(a). | III.iv.8.C.4.a |
| To relocate guidance from Topic 1 on protection against rating schedule changes and add and add material on the provisions of 38 CFR 3.952. | III.iv.8.C.4.b |
| To relocate guidance from Topic 1 on reviewing evaluations after a rating schedule change. | III.iv.8.C.4.c |
| To create a new topic on other protection issues. | III.iv.8.C.5 |
| To relocate guidance from Topic 1 on inapplicability of protection to hospital rate reductions under 38 CFR 3.552. | III.iv.8.C.5.a |

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| Rescissions | None |

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

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| Signature | Thomas J. Murphy, DirectorCompensation Service |

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