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

**Veterans Benefits Administration May 28, 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 v, “General Authorization Issues and Claimant Notifications.” ***Notes***: * 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 dependent(s) file with VA.
* Minor editorial changes have also been made to
* update incorrect or obsolete hyperlink references
* update obsolete terminology, where appropriate
* renumber each topic based on the standard that the first topic in each section is Topic 1
* reassign alphabetical designations to individual blocks
* bring the documents into conformance with M21-1 standards
* update M21-1 references to the new format.
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| Reason(s) for the Change | Citation |
| To clarify when a separation reason would not require a character of discharge (COD) determination as long as the character of service is honorable, under honorable conditions, or general unless the separation reason is one listed in 38 USC 5303(a). | M21-1, Part III, Subpart v, Chapter 1, Section B, Topic 1, Block b (III.v.1.B.1.b) |
| To add guidance from Precendent Opinion 11-93, “Discharge as a Conscientious Objector; Meaning of Active Continuous Service” to request the facts and circumstances and proceedings pertaining to the discharge if the character of discharge was upgraded in order to determine whether the separation reason is a bar to benefits under 38 CFR 3.12(c). | III.v.1.B.1.g |
| To replace the COD determination template images, which were divided into 4 blocks, with a single block of typed text for ease of use for end user. | III.v.1.B.1.k |
| To add clarification of when a conscientious objector status is considered a bar to benefits under 38 CFR 3.12(c). | III.v.1.B.2.a |
| To remove “homosexual acts involving aggravating circumstances” from the list of discharge reasons considered a bar to benefits un 38 CFR 3.12(d) due to a pending regulation change that will change the terminology from “homosexual acts…” to simple, “sexual acts….” | III.v.1.B.3.a |
| To add a reference for more information on identifying upgraded discharges. | III.v.1.B.3.b |
| To add a reference to the Veterans Benefits Management System (VBMS) User Guide for instructions on annotating digital documents. | III.v.1.B.4.b |
| To add information from the Frequently Asked Question (FAQ) titled, “Effective Dates and Bad Periods of Service”, dated 05/23/2008, providing guidance on effective dates for situations in which the claimant has one period of service considered honorable and another considered not honorable for VA purposes. | III.v.1.B.5.j |
| To clarify that the VA copy of the *DD Form 214* for clemency discharge is available electronically in BIRLS. | III.v.1.B.6.a |
| To add a block and incorporate guidance from Precedent Opinion 10-96, “Statutory Bars to Benefits: Effect of Substituted Discharge Under 10 U.S.C. 874(b),” which shows that an upgraded discharge issued pursuant to 10 U.S.C. 874(b) does not remove the statutory bar to benefits under 38 U.S.C. 5303(a) for individuals discharged or dismissed by reason of the sentence of a general court-martial. | III.v.1.B.6.f |
| To add a reference to the Veterans Benefits Management System (VBMS) User Guide for instructions on annotating digital documents. | III.v.1.B.6.g |
| To add the location of the special programs under which discharges were upgraded as 38 CFR 3.12(h). | III.v.1.B.7.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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