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

**Veterans Benefits Administration May 3, 2012**

**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 III, “General Claims Process,” Subpart v, “General Authorization Issues and Claimant Notification.”***Notes***: * M21-1MR will retain some information related to the Benefits Delivery Network (BDN) until all master records are converted to VETSNET.  For information on VETSNET applications and input, consult the [VETSNET User Guides](http://vbaw.vba.va.gov/bl/21/Systems/awards.htm) on the Compensation Service Intranet.
* 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 incorrect or obsolete hyperlink references
* update the term “veteran” to “Veteran”
* update the term “notification letter” to “decision notice”
* update obsolete terminology, where appropriate
* update Topic headings to more accurately reflect their content
* clarify Block labels and/or Block text, and
* bring the documents into conformance with M21-1MR standards.
 |

|  |  |  |
| --- | --- | --- |
| Reason(s) for the Change | Citation | Page(s) |
| Current version does not contain instructions to discontinue the apportionment pending further development when a Veteran’s award is reduced under 38 CFR 3.105(e). | M21-1MR, Part III, Subpart v, Chapter 3, Section B, Topic 5, Block b (III.v.3.B.5.b) | 3-B-3 |
| Moved the information in (old) III.v.3.B.5.e that applied only to awards in the Benefits Delivery Network (BDN) to a new block. | III.v.3.B.5.e | 3-B-4 |
| Added a block that contains instructions for discontinuing an apportionment (for the reasons set forth in III.v.3.B.5.e) in the Veterans Service Network (VETSNET). | III.v.3.B.5.f | 3-B-5 |
| Deleted the *Note* in this block, as it is misleading. Furthermore, the verbiage quoted therein, ostensibly taken from VAOPGCPREC 74-90, cannot be found in that document. | III.v.3.B.5.g | 3-B-6 |

Continued on next page

, Continued

|  |
| --- |
|  (continued) |

|  |  |  |
| --- | --- | --- |
| Reason(s) for the Change | Citation | Page(s) |
| Removed requirement (under *Exceptions*) to send notice of proposed adverse action to both the Veteran and apportionee when the Veteran notifies the Department of Veterans Affairs (VA) of a divorce or annulment. In this situation, only the apportionee should receive notice of proposed adverse action. | III.v.3.B.5.h | 3-B-7 |
| Specified that the legal opinion referenced in this block should be requested from Regional Counsel. | III.v.3.B.6.d | 3-B-13 |
| * Consolidated (old) III.v.3.B.7.b and c.
* Added instructions for discontinuing a deceased apportionee’s award in VETSNET.
 | III.v.3.B.7.b | 3-B-16 |
| Added a block containing* the *Note* that was previously located under the table in III.v.3.B.8.b
* exceptions to the instructions contained in this block (from III.iii.5.F.36), and
* an explanation of the end-of-month rule.
 | III.v.3.B.8.a | 3-B-19 |
| The table in (old) III.v.3.B.8.b did not contain instructions for choosing an effective date for discontinuing an apportionment and removing a school child from a primary beneficiary’s award when the child stops attending school. | III.v.3.B.8.b | 3-B-20 |
| * Removed reference to “facts found” in this block, as its meaning is unclear in the context of Topic 8.
* Added an exception to the rule expressed in Step 1 (per VAOPGCPREC 74-90).
 | III.v.3.B.8.d | 3-B-22 |
| Added a block containing instructions for adjusting a VETSNET award to reflect the loss of a child-apportionee. | III.v.3.B.8.e | 3-B-23 |
| Updated dates and rates of payment. | III.v.3.B.8.f | 3-B-24 |

Continued on next page

, Continued

|  |
| --- |
|  (continued) |

|  |  |  |
| --- | --- | --- |
| Reason(s) for the Change | Citation | Page(s) |
| The *Exception* noted in the second row of the table in (old) III.v.3.B.8.b has been deleted because it applies only to apportionments of Dependency and Indemnity Compensation (DIC) in BDN. (In VETSNET, the adjustment of a surviving spouse’s award to reflect the loss of an out-of-custody child is unnecessary.) Examples of the adjustment of a surviving spouse’s award and an out-of-custody child’s apportionment in BDN, as found in (old) III.v.3.B.8.f, g, and j, were deleted for the same reason. These blocks were replaced with a new block that discusses how apportionments of DIC to an out-of-custody child differ from the other apportionments discussed in III.v.3. | III.v.3.B.8.g | 3-B-25 |
| Deleted (old) III.v.3.B.5.a, as it essentially mirrors the introductory block of Topic 5. | --- | --- |
| Deleted (old) III.v.3.B.5.h, as it merely restates what is explained in greater detail throughout this section. | --- | --- |
| Deleted the second sentence from the first bullet under *Exceptions* in III.v.3.B.5.i. This sentence does not describe an exception and the information it conveys exists in the next block (III.v.3.B.5.j). | --- | --- |
| Deleted (old) III.v.3.B.8.a, as it duplicates instructions in III.v.3.B.6 and 7 (except for the reference to VAOPGCPREC 74-90, which has been relocated to III.v.3.B.6.e). | --- | --- |
| Less than 50 awards of DIC to surviving spouses are currently running in BDN. Accordingly, BDN screen shots (in (old) III.v.3.B.8. h, i, and k), terminology, and system codes were removed from III.v.3.B.8. In lieu of screenshots of VETSNET - Awards, a hyperlink to the VETSNET *Award User Guide* has been added. | --- | --- |

Continued on next page

, Continued

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

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

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

|  |  |
| --- | --- |
| Distribution | RPC: 2068FD: EX: ASO and AR (included in RPC 2068)LOCAL REPRODUCTION AUTHORIZED |