## Section C. Development for the Special Allowance Under 38 U.S.C. 1312(a)

#### Overview

|  |  |
| --- | --- |
| In This Section | This section contains the following topics: |

|  |  |
| --- | --- |
| Topic | Topic Name |
| 1 (old 6) | Obtaining Information From the Social Security Administration (SSA) to Determine Eligibility for the Special Allowance Under 38 U.S.C. 1312(a) |
| 2 (old 7) | Handling Certification of Entitlement for the Special Allowance Under 38 U.S.C. 1312(a) by the SSA |

#### 1. Obtaining Information From the SSA to Determine Eligibility for the Special Allowance Under 38 U.S.C. 1312(a)

|  |  |
| --- | --- |
| Introduction | This topic contains information on obtaining information from the SSA to determine eligibility for the special allowance under 38 U.S.C. 1312(a), including information on   * using *VA Form 21-4180, Request for Certification by Social Security Administration*, to obtain information from the SSA * when to use *VA Form 21-4180* * preparing *VA Form 21-4180* for referral to the SSA * completing *VA Form 21-4180*, and * addressing and mailing *VA Form 21-4180*. |

|  |  |
| --- | --- |
| Change Date | May 18, 2015 |

|  |  |
| --- | --- |
| a. Using VA Form 21-4180 to Obtain Information From the SSA | Use *VA Form 21-4180*, *Request for Certification by Social Security Administration,* to obtain information from the Social Security Administration (SSA) as to whether or not the special allowance under [38 U.S.C. 1312(a)](http://www.law.cornell.edu/uscode/38/1312.html) may be payable to an eligible survivor or survivors. |

|  |  |
| --- | --- |
| b. When to Use VA Form 21-4180 | Send *VA Form 21-4180* to the SSA if   * you receive a specific inquiry or claim for the special allowance, *and* * *SSA Form 101*, *Determination of Award*, *SSA Form 101C*, *Determination of Award*, or *SSA Form 101U3*, *Determination of Award,* is ***not*** of record.   ***Reference***: For more information on the certification of entitlement by the SSA, see M21-1, Part IX, Subpart ii, 1.C.2. |

|  |  |
| --- | --- |
| c. Preparing VA Form 21-4180 for Referral to the SSA | Follow the steps in the table below to refer *VA Form 21-4180* to the SSA. |

|  |  |
| --- | --- |
| Step | Action |
| 1 | Prepare *VA Form 21-4180*, Part 1.  ***Reference***: For more information on how to complete the items on *VA Form 21-4180*, Part 1, see M21-1, Part IX, Subpart ii, 1.C.6.d.  ***Note***: For paper claims folders   * flash file a copy of *VA Form 21-4180* in the claims folder, and * when the original is returned, dispose of the copy. |
| 2 | * Address and mail *VA Form 21-4180* to the appropriate SSA Program Service Center (PSC), and * establish a 90-day suspense.   ***Reference***: For more information on addressing and mailing *VA Form 21-4180*, see M21-1, Part IX, Subpart ii, 1.C.1.e. |
| 3 | Has a reply been received from the SSA before the end of the 90-day suspense period?   * If *yes,* take appropriate action as shown in M21-1, Part IX, Subpart ii, 1.C.2.d. * If *no* * send a follow-up by submitting another *VA Form 21-4180*, which may be a reproduction of the claims folder copy, prominently marked “*SECOND REQUEST*,” and * maintain a 30-day suspense for response to the follow-up. |
| 4 | Has the reply been received from the SSA before the end of the 30-day follow-up suspense period?   * If *yes*, take appropriate action as shown in M21-1, Part IX, Subpart ii, 1.C.2.d. * If *no* * follow up by fax or telephone, and * maintain a 30-day suspense. |

|  |
| --- |
| ***Note***: Do ***not*** withhold the referral of *VA Form 21-4180* to develop for any evidence that may be required to complete the claim. |

|  |  |
| --- | --- |
| d. Completing VA Form 21-4180 | Use the table below for instructions on how to complete the items on *VA Form 21-4180*, Part 1. |

|  |  |
| --- | --- |
| Item | Description |
| 1, 5, and 6 | Provide the Veteran’s   * full name * date of birth, and * date of death.   ***Note***: This information is of particular importance for SSA purposes when the Social Security number (SSN) is unknown or not correct. |
| 2 | Provide the complete address of the regional office (RO) submitting the form.  ***Note***: Since SSA returns these forms in a window envelope, write the address so that the complete address can be seen in the window. |
| 3 | Enter the Department of Veterans Affairs (VA) claim number. |
| 4 | Enter either   * the Veteran’s SSN, if known, or * “*Unknown*.” |
| 7 | List the following claimants, as applicable:   * the surviving spouse * all children under age 18 or helpless, and * parents.   ***Important***:   * It is necessary to list ***all*** the possible claimants whether or not a claim has been filed, such as * surviving spouse * children, and * parents. * When parents are listed, make a notation as to whether or not they have filed a claim for VA benefits. |
| 8 | Obtain the signature of the Veterans Service Center Manager (VSCM). |
| 14 | Enter the appropriate SSA PSC as described in M21-1, Part IX, Subpart ii, 1.C.1.e. |

|  |  |
| --- | --- |
| e. Addressing and Mailing VA Form 21-4180 | Use the table below to determine how to address and mail the completed *VA Form 21-4180* to the SSA. |

|  |  |
| --- | --- |
| If … | Then address VA Form 21-4180 to the … |
| the Veteran’s SSN is known | appropriate SSA PSC as described in M21-1, Part III, Subpart iii, 3.A.6. |
| the Veteran’s SSN is unknown | SSA district office nearest the transmitting VARO office as described in M21-1, Part III, Subpart iii, 3.A.7. |
| the Veteran is a foreign claimant | Division of Foreign Claims  Social Security Administration  P. O. Box 1756  Baltimore, MD 21203 |

#### 2. Handling Certification of Entitlement for the Special Allowance Under 38 U.S.C. 1312(a) by the SSA

|  |  |
| --- | --- |
| Introduction | This topic contains information on the certification of entitlement for the special allowance under 38 U.S.C. 1312(a), including information on   * certifying entitlement for the special allowance under [38 U.S.C. 1312(a)](http://www.law.cornell.edu/uscode/38/1312.html) * SSA actions after determining eligibility * information that must be provided on *SSA Form 101*, *SSA Form 101C*, or *SSA Form 101U3* * actions taken by VA when the SSA returns *VA Form 21-4180* * action taken by VA if entitlement certified by SSA is not payable * action taken by VA on receipt of an incomplete *VA Form 21-4180*, and * when recertification for the special allowance under [38 U.S.C. 1312(a)](http://www.law.cornell.edu/uscode/38/1312.html) is required. |

|  |  |
| --- | --- |
| Change Date | May 18, 2015 |

|  |  |
| --- | --- |
| a. Certifying Entitlement for the Special Allowance Under 38 U.S.C. 1312(a) | The table below describes the process followed by the SSA to certify entitlement for the special allowance under [38 U.S.C. 1312(a)](http://www.law.cornell.edu/uscode/38/1312.html). |

|  |  |
| --- | --- |
| Stage | Description |
| 1 | Receives notice of death from the service department. |
| 2 | Determines whether there are survivors eligible for the special allowance under [38 U.S.C. 1312(a)](http://www.law.cornell.edu/uscode/38/1312.html).  ***Reference***: For more information on the actions taken by the SSA after determining the claimant’s entitlement to the special allowance, see M21-1, Part IX, Subpart ii, 1.C.2.b. |
| 3 | Takes action as appropriate depending on the eligibility determination.  ***References***: For more information on   * the appropriate SSA actions after determining eligibility, see M21-1, Part IX, Subpart ii, 1.C.2.b. * reviewing the *VA Form 21-4180* returned by the SSA to determine entitlement or nonentitlement, see M21-1, Part IX, Subpart ii, 1.C.2.d. |

|  |  |
| --- | --- |
| b. SSA Actions After Determining Eligibility | The table below describes the action SSA takes to certify a claimant’s entitlement to the special allowance under [38 U.S.C. 1312(a)](http://www.law.cornell.edu/uscode/38/1312.html). |

|  |  |
| --- | --- |
| When the SSA determines that … | Then the SSA … |
| there are survivors eligible for the special allowance | * returns *VA Form 21-4180* with the appropriate notations * furnishes a copy of an award letter * furnishes enclosures for the award letter as described in M21-1, Part IX, Subpart ii, 1.D.2, and * furnishes one of the following forms to VA as authority for payment: * *SSA Form 101* * *SSA Form 101C*, or * *SSA Form 101U3*. |
| * there is ***no*** survivor eligible to receive the special allowance, or * the special allowance is ***not*** payable because there is entitlement to an old-age and survivors insurance payment | * denies the claim, and * notifies the claimant.   ***Note***: VA is ***not*** responsible for furnishing a notice of denial or right of appeal, except for an adverse determination as described in M21-1, Part IX, Subpart ii, 1.B.1, and then only if there is a specific claim for the special allowance. |

|  |  |
| --- | --- |
| c. Information That Must Be Provided on SSA Form 101, SSA Form 101C, or SSA Form 101U3 | Do ***not*** take award action to pay the special allowance unless the *SSA Form 101*, *SSA Form 101C*, or *SSA Form 101U3* furnished by the SSA contains the   * name and address of each beneficiary * monthly rate of payment * first month of entitlement, and * notation “*Do not certify. VA Payment Only*.” |

|  |  |
| --- | --- |
| d. Actions Taken by VA When the SSA Returns VA Form 21-4180 | Use the table below to determine the action to take when the SSA returns *VA Form 21-4180*. |

|  |  |
| --- | --- |
| If … | Then … |
| *VA Form 21-4180*, Item 10A is checked | * the special allowance is payable * take adjudicative action on all pending claims, and * when all claims are finalized, transfer the deceased Veteran’s claims folder to the Philadelphia PMC for payment of the special allowance.   ***Reference***: For more information on the jurisdiction for payment of the special allowance, see M21-1, Part IX, Subpart ii, 1.A.2. |
| *VA Form 21-4180*, Item 11A is checked | * the special allowance is ***not*** payable * add the *VA Form 21-4180* to the deceased Veteran’s claims folder, and * take no further action. |
| *VA Form 21-4180*, Item 11B is checked | * send a letter to the surviving spouse advising of possible entitlement at age 60, and * inform the surviving spouse that he/she should contact VA at age 60.   ***Note***: This does not affect the jurisdiction of the claims folder. |
| *VA Form 21-4180*, Item 11C is checked | there is no one eligible to receive Social Security benefits.  ***Note***: Take no further action. |

|  |
| --- |
| ***Note***: When the certification of entitlement by the SSA is received in a VA RO and not the Philadelphia Pension Management Center (PMC), take action as provided in [M21-1, Part IX, Subpart ii, 1.A.2.b](imi-internal:M21-1MRIX.ii.1.A.2.b). |

|  |  |
| --- | --- |
| e. Action Taken by VA if Entitlement Certified by SSA Is Not Payable | If VA determines that entitlement certified by SSA on *SSA Form 101*, *SSA Form 101C*, or *SSA Form 101U3* is ***not*** payable for any reason, notify the SSA PSC that made the certification. |

|  |  |
| --- | --- |
| f. Action Taken by VA on Receipt of an Incomplete VA Form 21-4180 | Use the table below to determine what action to take when the SSA returns an incomplete *VA Form 21-4180* because the claimant failed to respond to correspondence from the SSA. |

|  |  |
| --- | --- |
| If the … | Then … |
| *VA Form 21-4180* contains the most recent address of the claimant as shown in the claims folder | * add the *VA Form 21-4180* to the deceased Veteran’s claims folder * annotate *VA Form 21-4180* with “*NAN*” for no action necessary, and * include * the initials of the employee making the annotation, and * the current date. |
| claims folder contains a more recent address | * send another *VA Form 21-4180* containing the most recent address of record to the SSA PSC, and * annotate *VA Form 21-4180* to show it is being submitted due to the receipt of a current address. |

|  |
| --- |
| ***Note***: If the claims folder is an electronic claims folder (eFolder), add the annotation in the Veterans Benefits Management System (VBMS) in the SUBJECT field under DOCUMENT PROPERTIES of the *VA Form 21-4180*. |

|  |  |
| --- | --- |
| g. When Recertificationfor the Special Allowance Under 38 U.S.C. 1312(a) Is Required | If an award of special allowance is delayed by VA for more than one year after the date of approval of the *SSA Form 101*, *SSA Form 101C*, or *SSA Form 101U3* by the servicing SSA PSC, contact that office by letter requesting verification of continued eligibility before processing an award. |