## Section A. General Information

#### Overview

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

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| Topic | Topic Name | See Page |
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| 2 | Jurisdiction for Payment of the Special Allowance Under 38 U.S.C. 1312(a) | 1-A-3 |
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#### 1. Description of the Special Allowance Under 38 U.S.C. 1312(a)

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| Introduction | This topic describes the special allowance under [38 U.S.C. 1312(a)](http://www.law.cornell.edu/uscode/38/1312.html), including information on * who can be paid the special allowance, and
* who cannot be paid the special allowance.
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| Change Date | November 16, 2004 |

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| a. Description of the Special Allowance | The special allowance under [38 U.S.C. 1312(a)](http://www.law.cornell.edu/uscode/38/1312.html) is a gratuitous benefit to the surviving dependents of a member of a uniformed service who was not a fully and currently insured individual under Title II of the Social Security Act who died on or after January 1, 1957 per [38 CFR 3.804](http://www.benefits.va.gov/warms/docs/regs/38CFR/BOOKB/PART3/S3_804.DOC), either* while on active duty or active or inactive duty for training, or
* after separation as the result of a service-connected (SC) disability incurred after September 15, 1940.
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| b. Who Can Be Paid the Special Allowance | The special allowance is paid *only* to the persons as designated by and at the rates and for the periods certified by the Social Security Administration (SSA). |

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| c. Who Cannot Be Paid the Special Allowance | The special allowance cannot be paid based on* entitlement to compensation under
* [38 U.S.C. 1151](http://www.law.cornell.edu/uscode/38/1151.html), and
* [38 U.S.C. 1160](http://www.law.cornell.edu/uscode/38/1160.html), or
* Philippine service under [38 CFR 3.804(b)(2)](http://www.benefits.va.gov/warms/docs/regs/38CFR/BOOKB/PART3/S3_804.DOC).
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#### 2. Jurisdiction for Payment of the Special Allowance Under 38 U.S.C. 1312(a)

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| Introduction | This topic contains information on the * jurisdiction of special allowance claims, and
* transfer of folders to the Philadelphia Pension Management Center (PMC).
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| Change Date | August 14, 2014 |

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| a. Jurisdiction of Special Allowance Claims | The Philadelphia Pension Management Center (PMC) has the sole authority to make awards and payments of the special allowance under [38 U.S.C 1312(a)](http://www.law.cornell.edu/uscode/text/38/1312). Development of special allowance claims is the responsibility of the regional office (RO) with original jurisdiction.***References***: For more information on* development of entitlement for the special allowance, see M21-1MR, Part IX, Subpart ii, 1.C, and
* subsequent transfer of folders to the Philadelphia PMC, see M21-1MR, Part IX, Subpart ii, 1.A.2.b.
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| b. Transfer of Folders to the Philadelphia PMC | When the SSA furnishes *SSA Form 101*, *Determination of Award*, *SSA Form 101C*, *Determination of Award*, or *SSA Form 101U3*, *Determination of Award* to the RO to authorize payment* take necessary adjudicative action on any other claim pending in the case, and
* once adjudicative action is completed, permanently transfer the deceased Veteran’s claims folder to the Philadelphia PMC for payment of the special allowance under [38 U.S.C 1312(a)](http://www.law.cornell.edu/uscode/text/38/1312).
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#### 3. Answering Inquiries From Claimants

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| Introduction | This topic contains information on answering inquiries from claimants, including information on* inquiries answered by Department of Veterans Affairs (VA), and
* referring inquiries to the SSA.
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| Change Date | November 16, 2004 |

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| a. Inquiries Answered by VA | After the approval of an award, Department of Veterans Affairs (VA) answers inquiries relating to* when the initial payment will be made
* the nonreceipt of a check
* the change of address of the payee, and
* the change of fiduciary.

***Note***: Include the Social Security number (SSN) on any correspondence sent to a payee. Send a copy of the letter to the servicing SSA Program Service Center (PSC). |

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| b. Referring Inquiries to the SSA | Refer all inquiries pertaining to matters other than those listed in M21-1MR, Part IX, Subpart ii, 1.A.3.a to the servicing SSA PSC, using a locally-generated letter, and inform the claimant of the referral.***Note***: This includes inquiries concerning the amount of payment and termination of payments. |