#### Department of Veterans Affairs M21-1, Part IX, Subpart ii

**Veterans Benefits Administration July 20, 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 IX, “Ancillary and Special Benefits,” Subpart ii, “Special Benefits.”***Notes***: * The term “regional office” (RO) also includes pension management center (PMC), where appropriate.
* 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 survivors file with VA.
* Minor editorial changes have also been made to
* update incorrect or obsolete references
* update obsolete terminology, where appropriate
* remove references to specific claims-processing systems, where doing so does not affect the clarity of the instructions or information provided
* reassign alphabetical designations to individual blocks, where necessary, to account for new and/or deleted blocks within a topic
* update section and topic titles to more accurately reflect their content
* clarify block labels and/or block text, and
* bring the document into conformance with M21-1 standards.
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| Reason(s) for the Change | Citation |
| * To add information that as of September 4, 2013, the Department of Veterans Affairs (VA) is allowed to administer spousal benefits to same-sex married couples under the Defense of Marriage Act, provided their marriages meet the requirements of 38 CFR 3.1(j).
* To add information that as of September 4, 2013, VA is permitted, for the purpose of gratuitous death benefits, to recognize certain marriages as deemed valid marriages that are not recognized under State law if certain requirements are met.
 | M21-1, Part IX, Subpart ii, Chapter 2, Topic 1, Block c. (IX.ii.2.1.c) |
| To add a new Block e providing information on presuming permanence of disability when Dependency and Indemnity Compensation (DIC) is awarded to a surviving spouse or child under 38 U.S.C. 1318 and awarding entitlement to Dependents Educational Assistance (DEA) unless Veterans Benefits Administration (VBA) has specific evidence to the contrary.  | IX.ii.2.1.e |
| * To provide guidance not to consider basic eligibility to DEA when the qualifying disability is awarded permanent and total (P&T) benefits under 38 U.S.C. 1151.
* To add information that Veterans Benefits Management - Rating (VBMS-R) automatically establishes the ancillary issue of DEA/Chapter 35 entitlement when there is a combined evaluation of 100 percent and no future examination identified.
* To add a reference to the *VBMS-R User Guide*.
 | IX.ii.2.1.l |
| To remove unnecessary information on informal claims under 38 CFR 3.155 for consistency with regulation changes. | IX.ii.2.2.a |
| * To add a new Block e providing information on the definition and rating guidelines for bruxism to include the need to return the examination to the examiner and request the etiology of bruxism in order to determine whether bruxism is secondary to a service-connected disability.
* To add references for more information on requirements for examination reports to III.iv.3.D.2.j and returning examination reports as insufficient for rating purposes to III.iv.3.D.3.
 | IX.ii.2.3.e |
| To provide information that a bereavement diagnosis found in the mental examination is considered an acute and transitory condition and does not require the subordinate issue of 38 U.S.C. 1702 to be addressed. | IX.ii.2.5.f |
| To remove note related to information from a Veteran’s claims folder being furnished electronically, whenever possible, as this is confusing given that the majority of claims are electronic. | IX.ii.2.8.g |
| To revise Block a to contain accurate jurisdictional information for education claims pertaining to the Atlanta, Buffalo, St. Louis, and Muskogee Regional Processing Offices (RPOs). | IX.ii.2.11.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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