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

**Veterans Benefits Administration February 8, 2016**

**Washington, DC 20420**

#### Key Changes

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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 ii, “Initial Screening and Determining Veteran Status,” Chapter 2, “Benefit Programs and Types of Claims.”***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 and typographical errors
* add references, as appropriate
* reassign alphabetical designations to individual blocks, where necessary, to account for new and/or deleted blocks within a topic
* update the title of a topic to more accurately reflect its content, and
* bring the document into conformance with M21-1 standards.
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| Reason(s) for the Change | Citation |
| * To update the table for types of acceptable standard forms for pension claims and dependents.
* To remove the prior notes within the table directing when *VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance,* may be accepted as a claim and replace the notes with references to the new Blocks f and g.
* To add a note directing that per 38 CFR 3.1010, there is no standard form requirement for a claim for substitution.
* To add a note directing that *VA Form 21-8940, Veteran’s Application for Increased Compensation Based on Unemployability,* is not an acceptable standard form for a claim for increase.
 | [M21-1, Part III, Subpart ii, Chapter 2, Section B, Topic 1, Block b (III.ii.2.B.1.b)](#_b.__Requirements) |
| To add a new Block d to incorporate procedures for when a claim for compensation may be accepted as a claim for pension and vice versa, per 38 CFR 3.151. | [III.ii.2.B.1.d](#Topic1d) |
| To add a new Block f with guidance on when *VA Form 21-2680* may be accepted as a standalone claim for special monthly compensation or special monthly pension. | [III.ii.2.B.1.f](#Topic1f) |
| To add a new Block g with guidance on when *VA Form 21-2680* may be accepted as a standalone claim for spousal or survuivors’ aid and attendance or housebound benefits. | [III.ii.2.B.1.g](#Topic1g) |
| To add a new Block h with guidance on considering issues that arise from consideration of *VA Form 21-2680*. | [III.ii.2.B.1.h](#Topic1h) |
| To add a new Block d with updated guidance on when to place an application for benefits under end product control, relocated from III.ii.2.C.1.r. | [III.ii.2.B.3.d](#Topic3d) |
| To add a new Block f with guidance on handling unsigned applications, relocated from III.ii.2.C.1.q. | [III.ii.2.B.3.f](#Topic3f) |

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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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| Distribution | LOCAL REPRODUCTION AUTHORIZED |

### Section B. Claims for Disability Compensation and/or Pension

#### Overview

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

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| Topic | Topic Name |
| 1 | Applications for Disability Compensation and/or Pension |
| 2 | Claims Filed at or Prior to Separation from Service |
| 3 | Miscellaneous Information About Claims for the Department of Veterans Affairs (VA) Benefits |

#### 1. Applications for Disability Compensation and/or Pension

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| Introduction | This topic contains information about applications for disability compensation and/or pension, including* requirements for a formal application received prior to March 24, 2015
* requirements for a complete claim received on or after March 24, 2015
* using a claimant’s entries on *VA Form 21-526*, *Veteran’s Application for Compensation and/or Pension*, to determine which benefit he/she is seeking
* discretionary application of 38 CFR 3.151(a)
* processing additional correspondence received with a prescribed form
* reviewing *VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance,* to identify claims for special monthly compensation (SMC) or special monthly pension (SMP)
* reviewing *VA Form 21-2680* for claims for spousal or survivors’ aid and attendance (A&A) or housebound benefits
* issues that arise from consideration of *VA Form 21-2680*
* VA’s obligation to address a claimant’s entitlement to multiple survivor benefits, and
* receipt of EZ form requesting a different benefit application
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| Change Date | February 8, 2016 |

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| a. Requirements for a Formal Application Received Prior to March 24, 2015 | [38 CFR 3.151](http://www.ecfr.gov/cgi-bin/text-idx?SID=cfbc4546771d19874909827bb2f142d2&mc=true&node=se38.1.3_1151&rgn=div8) requires claimants to complete and submit a form prescribed by the Secretary of the Department of Veterans Affairs (VA) when filing an ***original*** claim for disability compensation and/or pension. The prescribed forms are* *VA Form 21-526, Veteran’s Application for Compensation and/or Pension*
* *VA Form 21-526c, Pre-Discharge Compensation Claim*
* *VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits*, and
* *VA Form 21-527EZ,* *Application for Pension*.

As the names of the forms imply, claimants may use* *VA Form 21-526* to apply for disability compensation *and/or* pension
* *VA Form 21-526c* or *VA Form 21-526EZ* to apply for disability compensation *only,* and
* *VA Form 21-527EZ* to apply for pension *only*.

***Note***: VA will accept *VA Form 21-0819, VA/DOD Joint Disability Evaluation Board Claim*, as a prescribed form for participation in the Integrated Disability Evaluation System (IDES) program when referred by the Department of Defense.***References***: For more information on * determining whether a claimant’s entries on *VA Form 21-526* constitutes a claim for disability compensation, pension, or both, see M21-1, Part III, Subpart ii, 2.B.1.c
* the discretionary application of [38 CFR 3.151(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=773bb6ce567282a71ccc36fca50fc5b4&mc=true&node=se38.1.3_1151&rgn=div8) in determining whether a claim for compensation may be accepted as a claim for pension and vice versa, see M21-1, Part III, Subpart ii, 2.B.1.d
* how to file a claim, see [38 CFR 3.155](http://www.ecfr.gov/cgi-bin/text-idx?SID=cfbc4546771d19874909827bb2f142d2&mc=true&node=se38.1.3_1155&rgn=div8)
* types of claims, see [38 CFR 3.160](http://www.ecfr.gov/cgi-bin/text-idx?SID=cfbc4546771d19874909827bb2f142d2&mc=true&node=se38.1.3_1160&rgn=div8), and
* IDES claims, see M21-1, Part III, Subpart i, 2.D.
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| b. Requirements for a Complete Claim Received on or After March 24, 2015 | Effective March 24, 2015, VA will only recognize compensation, pension, survivors, and related claims if they are submitted on the required standard forms. The table below provides guidance on the correct VA form to use based on the type of benefit sought by the claimant. |

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| **If the benefit sought is ...** | **Then the prescribed form is *VA Form*...** |
| service connection (SC) (original) | * *21-526*
* *21-526c* for Benefits Delivery at Discharge (BDD) or Quick Start (QS) claims
* *21-526EZ*, or
* *21-0819* for IDES claims.
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| SC (new or reopen) | * *21-526*
* *21-526b*, *Veterans Supplemental Claim for Compensation*
* *21-526c* for BDD or QS claims
* *21-526EZ*, or
* *21-0819* for IDES claims.
 |
| increased evaluation or a claim for a permanent and total (P&T) rating | * *21-526*
* *21-526b*
* *21-526c* for BDD or QS claims
* *21-526EZ*, or
* *21-0819* for IDES claims.
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| temporary total disability rating (paragraph 29 and 30 benefits) | * *21-526*
* *21-526b*, or
* *21-526EZ*.

***Note***: Hospitalization reports from VA or military treatment facilities will be accepted as a prescribed form for paragraph 29 and 30 benefits. |
| total disability rating based on individual unemployability (TDIU) | *21-8940, Veteran’s Application for Increased Compensation Based on Unemployability*.TDIU can also be claimed on any of the following *VA Forms** *21-526*
* *21-526b*
* *21-526c* for BDD or QS claims, or
* *21-526EZ*.

***Note***: *VA Form 21-8940* is required for the award of TDIU benefits. |
| child incapable of self-support benefits | * *21-526*
* *21-526b*
* *21-526EZ*
* *21-686c*, *Declaration of Status of Dependents*
* *21-527*
* *21-527EZ*
* *21-534*, *Application for Dependency and Indemnity Compensation, Death Pension and Accrued Benefits by a Surviving Spouse or Child (Including Death Compensation if Applicable)*, or
* *21-534a*, *Application for Dependency and Indemnity Compensation by a Surviving Spouse or Child - In-Service Death Only*.

***Note***: Information about a child incapable of self-support submitted by a Veteran on *VA Form 21-0538*, *Status of Dependents Questionnaire*, will be accepted as a claim to add the dependent(s) to the Veteran’s award. |
| Veteran’s pension (original) | * *21-526*, or
* *21-527EZ*.
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| Veteran’s pension (new) | * *21-526*
* *21-527*, or
* *21-527EZ*.
 |
| dependency and indemnity compensation (DIC), survivors pension and accrued benefits (original, new, or reopen) | * *21-534*
* *21-534a*
* *21-534EZ*, *Application for DIC, Death Pension, and/or Accrued Benefits*
* *21-535*, *Application for Dependency and Indemnity Compensation by Parent(s) (Including Accrued Benefits and Death Compensation when Applicable),* or
* *21-601*, *Application for Accrued Amounts Due A Deceased Beneficiary*, for accrued benefits only.
 |
| income adjustments for running pension awards or to supplement original applications (income/asset/net worth, liberalized legislation)  | * *VA Form 21-0512S-1,* Old Law and Section 306 Eligibility Verification Report (Surviving Spouse)
* *VA Form 21-0512V-1,* Old Law and Section 306 Eligibility Verification Report (Veteran)
* *VA Form 21-0513-1,* Old Law and Section 306 Eligibility Verification Report (Children Only)
* *VA Form 21-0514-1,* DIC Parent’s Eligibility Verification Report
* *VA Form 21-0516-1,* Pension Eligibility Verification Report (Veteran with No Children)
* *VA Form 21-0517-1,* Pension Eligibility Verification Report (Veteran with Children)
* *VA Form 21-0518-1,* Pension Eligibility Verification Report (Surviving Spouse With No Children)
* *VA Form 21-0519C-1,* Pension Eligibility Verification Report (Child or Children)
* *VA Form 21-0519S-1,* Pension Eligibility Verification Report (Surviving Spouse With Children)
* *VA Form 21P-8416, Medical Expense Report*
* *21P-8416b, Report of Medical, Legal, and Other Expenses Incident to Recovery for Injury or Death*
* *VA Form 21-0571, Application For Exclusion Of Children’s Income*
* *VA Form 21-8049, Request for Details of Expenses*
* *VA Form 21P-4165, Pension Claim Questionnaire for Farm Income*, and
* *VA Form 21-4185, Report of Income fom Property or Business*.
 |
| burial benefits | * *21P-530*, *Application for Burial Benefits*.
 |
| specially adapted housing (SAH) or special housing adaptation (SHA) | * *26-4555*, *Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant*, and
* *26-4555c*, *Veteran/Servicemember's Supplemental Application for Assistance in Acquiring Specially Adapted Housing*.

SAH/SHA can also be filed on any of the following *VA Forms*: * *21-526*
* *21-526b*, or
* *21-526EZ*.

***Important***: SAH/SHA claims and supplemental benefits require* *VA Form 26-4555* for the award of benefits and can be used as a standalone form for claims, or
* *VA Form 26-4555c,* for the award of supplemental benefits. The form can also be used as a standalone claims form.
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| auto allowance | *21-4502*, *Application for Automobile or Other Conveyance and Adaptive Equipment*.Auto allowance can also be filed on any of the following *VA Forms* * *21-526*
* *21-526b*, or
* *21-526EZ*.

***Important***: *VA Form 21-4502* is required for the award of benefits and can be used as a standalone form for auto allowance claims.  |
| special monthly compensation (SMC) for housebound/aid and attendance (A&A) including spousal A&A | * *21-526*
* *21-526b*
* *21-526EZ*, or
* *21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance.*

***Reference***: For more information on reviewing *VA Form 21-2680* to identify the benefit sought, see M21-1, Part III, Subpart ii, 2.B.1.f and g. |
| special monthly pension (SMP) for housebound and/or A&A  | * *21-526*
* *21-527EZ*
* *21-534*
* *21-534EZ*, or
* *21-2680*.

***Reference***: For more information on reviewing *VA Form 21-2680* to identify the benefit sought, see M21-1, Part III, Subpart ii, 2.B.1.f and g. |
| spina bifida | *21-0304*, *Application for Benefits for Certain Children with Disabilities Born of Vietnam and Certain Korea Service Veterans*. |
| apportionment | *21-0788*, *Information Regarding Apportionment of Beneficiary’s Award*. |
| dependents  | * *21-526*
* *21-527* (pension only)
* *21-527EZ* (pension only)
* *21-686c*
* *21-674*, *Request for Approval of School Attendance*, (school children over 18 only), or
* *21P-509*, *Statement of Dependency of Parent(s)*, (for dependent parent(s) only)
* *VA Form 21-4170, Statement of Marital History* (for adding a spouse based on a common-law marriage), or
* *VA Form 21-0538, Status of Dependents Questionnaire* (if submitted as part of the verification process described in M21-1, Part III, Subpart iii, 5.K).

***Important***: A Veteran may use *VA Form 21-0538*, to ***initiate*** the process of adding a spouse to his/her award. However, this form contains no sections wherein the Veteran may provide his/her marital history or the marital history of his/her spouse. Without this information, VA cannot determine whether the Veteran and his/her spouse are free to marry. Accordingly, a Veteran in this case must ultimately provide the information contained in *VA Form 21-686c* ***in addition to*** the *VA Form 21-0538*. In accordance with M21-1, Part III, Subpart iii, 5.A.4.g, this information may be obtained through a phone call to the Veteran. |

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| ***Notes***: * There is no standard form requirement for claims for substitution. Under [38 CFR 3.1010](http://www.ecfr.gov/cgi-bin/text-idx?SID=72def7de11a2be568c6bff01da62b993&mc=true&node=se38.1.3_11010&rgn=div8), a claim for substitution does not require a standard form. It *may* be submitted on *VA Form 21-0847, Request for Substitution of Claimant upon Death of Claimant*, but this form is not required for a claim for substitution.
* *VA Form 21-8940* is ***not*** an acceptable standard form for a claim for increase. However, as a part of adjudication of the TDIU issue, entitlement to an increased evaluation of the service-connected (SC) disabilities must be considered. For more information on considering entitlement to an increased evaluation of SC disabilities when considering claims for TDIU, see M21-1, Part IV, Subpart ii, 2.F.2.h.
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| c. Using a Claimant’s Entries on VA Form 21-526 to Determine Which Benefit He/She is Seeking | Use the table below to determine whether a claimant’s entries on *VA Form 21-526* constitute a claim for disability compensation, pension, or both. |

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| If the claimant … | Then consider the application a claim for … |
| asserts a relationship between his/her service in the armed forces and an* illness
* disease, or
* injury

 ***Example***: The claimant provides dates of treatment that fall within his/her period of service. | compensation *only*. |
| * claims to be totally disabled without indicating that this is due to service in the armed forces, and
* furnishes information about
* employment, and/or
* income
 | pension *only*. |
| * asserts a relationship between his/her service in the armed forces and an
* illness
* disease, or
* injury
* claims to be totally disabled, and
* furnishes information about
* employment, and/or
* income
 | compensation *and* pension. |
| completes all or a portion of* Part II of the application, which deals with service-related disabilities, and
* Parts VII through X of the application, which deal with
* income
* net worth, and
* deductible expenses
 | compensation *and* pension. |
| requests dental treatment *only* | dental treatment *only*.***Note***: Unless a claimant specifically claims disability compensation for a dental condition, refer the *VA Form 21-526*, or any other form of communication indicative of a dental claim, to the eligibility clerk of the VA medical center (VAMC) of jurisdiction for a determination of eligibility for dental treatment.***Reference***: For more information on claims involving dental conditions only, see * M21-1, Part III, Subpart v, 7.C
* M21-1, Part IX, Subpart ii, 2.2
* [38 CFR 17.161](http://www.ecfr.gov/cgi-bin/text-idx?SID=efb74563b372e0f2076611fc93edcd4b&mc=true&node=se38.1.17_1161&rgn=div8), and
* [38 U.S.C. 1712(a)(1)](https://www.law.cornell.edu/uscode/text/38/1712).
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| ***Note***: If any doubt exists as to which benefit a claimant is seeking, ask the claimant for clarification. |

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| **d. Discretionary Application of 38 CFR 3.151(a)** | [38 CFR 3.151(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=773bb6ce567282a71ccc36fca50fc5b4&mc=true&node=se38.1.3_1151&rgn=div8) instructs that a claim for compensation may be accepted as a claim for pension and vice versa. Application of this provision of [38 CFR 3.151(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=773bb6ce567282a71ccc36fca50fc5b4&mc=true&node=se38.1.3_1151&rgn=div8) is discretionary. *Not all* claims for pension are necessarily claims for compensation and vice versa. Consider the following three criteria when deciding whether VA will make the discretionary decision to apply [38 CFR 3.151(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=773bb6ce567282a71ccc36fca50fc5b4&mc=true&node=se38.1.3_1151&rgn=div8) in the context of the Standard Claims and Appeals Forms rule:* Regardless of which claims form is submitted, the information on the claim must constitute a substantially complete claim for the unclaimed benefit being considered under [38 CFR 3.151(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=773bb6ce567282a71ccc36fca50fc5b4&mc=true&node=se38.1.3_1151&rgn=div8).
* If *VA Form 21-527EZ* is accepted as a claim for compensation, the claim form must include information that would otherwise be included on a claim for compensation.
* If *VA Form 21-526EZ* is accepted as a claim for pension, the claim form must include information that would otherwise be included on a claim for pension including income information.
* The evidence of record must establish a likelihood that the benefit will be granted.
* The claim must be reasonably interpreted to reflect an intent to claim benefits for the issue at hand. Generally, this is reflected via the claimant listing the issue on the claim form.

***Important***: If all of the above criteria are not met, then the discretionary application of [38 CFR 3.151(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=773bb6ce567282a71ccc36fca50fc5b4&mc=true&node=se38.1.3_1151&rgn=div8) is not warranted. In situations where the evidence shows the presence of a chronic, unclaimed disability, solicit a claim per M21-1, Part IV, Subpart ii, 2.A.1.f .***References***: For more information on * the discretionary application of [38 CFR 3.151(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=773bb6ce567282a71ccc36fca50fc5b4&mc=true&node=se38.1.3_1151&rgn=div8), see
* [*Stewart v. Brown*](http://vbaw.vba.va.gov/bl/21/advisory/DADS/1997dads/Stewart.doc), 10 Vet.App. 15 (1997), and
* [*Willis v. Brown*](http://vbaw.vba.va.gov/bl/21/advisory/DADS/1994dads/Willis.doc), 6 Vet.App. 433, 435 (1994), and
* what constitutes a substantially complete application, see
* M21-1, Part I, 1.B.1.b, and
* M21-1, Part III, Subpart ii, 2.B.3.c.
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| e. Processing Additional Correspondence Received With a Prescribed Form | A claimant may submit correspondence in conjunction with a prescribed form that identifies additional benefits being sought. VA may accept these statements as part of the claim under specific circumstances. Use the following table to determine if VA can accept the correspondence as part of the claim for benefits or a request for application. |

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| If the benefit sought in the correspondence is submitted with …  | Then consider the additional issues … |
| the appropriate prescribed form | as part of the pending claim. |
| a form ***not*** prescribed for the specific benefit | a request for application. |

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| ***Example 1***: A Veteran submits a claim for an increase for his/her SC posttraumatic stress disorder (PTSD), right and left knee patellofemoral pain syndrome, and lumbosacral strain on a *VA Form 21-526EZ*. The Veteran also submits a *VA Form* *21-4138*, *Statement in Support of Claim*, with the *VA Form 21-526EZ* that describes the worsening of the disabilities as well as a new right hip problem caused by an altered gait related to the knee conditions. The right hip condition can be accepted as a claim because the *VA Form 21-526EZ* is the prescribed form for SC disabilities and the *VA Form 21-4138* was submitted with the *VA Form 21-526EZ*.***Example 2***: A Veteran submits a claim for pension on *VA Form 21-527EZ*. The Veteran submits a *VA Form 21-4138* requesting Aid and Attendance. The statement on the *VA Form 21-4138* can be accepted as a claim for SMP with A&A or housebound benefits because the *VA Form 21-527EZ* is a prescribed form for SMP A&A and the *VA Form 21-4138* was submitted with the *VA Form 21-527EZ*.  |

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| **f. Reviewing VA Form 21-2680 to Identify Claims for SMC or SMP** | *VA Form 21-2680* can be used as a standalone form as long as the supporting documentation identifies whether the benefit sought is SMC or SMP. The identification of the benefit sought can be* specific, with the Veteran stating whether the claim is for SMC or SMP, or
* based on sympathetic reading of the claim via reviewing the issues raised on *VA Form 21-2680* in the context of the benefits the Veteran is receiving.

When sympathetically reviewing *VA Form 21-2680* to determine if the benefit sought can be identified, apply the principles in the table below when the Veteran is identified as the claimant on the form. ***Note***: In any situation, if *VA Form 21-2680* or the evidence submitted with it specifically identifies the benefit sought as either SMC or SMP, that identification of the benefit sought supersedes the guidance below. |

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| **If ...** | **Then accept the *VA Form 21-2680* as ...** |
| the Veteran is * receiving compensation
* entitled to receive compensation but has elected to receive military retired pay, or
* submitting an original claim for compensation
 | a claim for SMC regardless of the conditions listed on the *VA Form 21-2680*. |
| if the Veteran is * receiving pension, or
* submitting an original claim for pension
 | a claim for SMP regardless of the conditions listed on *VA Form 21-2680*. |
| dual entitlement exists | a claim for * SMC if the Veteran is in receipt of compensation, or
* SMP if in receipt of pension.

***Important***: Consider the *VA Form 21-2680* as a claim for the opposite benefit *only if* the opposite benefit can be granted and the grant results in a greater benefit to the Veteran. |
| has *not* submitted a prior original claim for compensation or pension  | a request for application. ***Reference***: For more information on handling a request for application, see M21-1, Part III, Subpart ii, 2.C.2.b. |
| * the Veteran is not in receipt of, entitled to receive, or currently claiming VA compensation or pension benefits, and
* has previously submitted an original claim for either pension or compensation which has been finally denied
 | a request for application. ***Reference***: For more information on handling a request for application, see M21-1, Part III, Subpart ii, 2.C.2.b. |
| * a prior claim for pension has been denied, but the denial is not final, and
* *VA Form 21-2680* is received within one year of notification of the prior denial
 | * evidence submitted for reconsideration of the pension claim, and
* a claim for SMP.

***Reference***: For more information on claims for reconsideration, see M21-1, Part III, Subpart ii, 2.F. |
| * a prior claim for SC has been denied, but the denial is not final
* *VA Form 21-2680* is received within one year of notification of the prior denial, and
* the conditions listed on the *VA Form 21-2680* are the same as those addressed in the prior denial
 | * evidence submitted for reconsideration of the prior SC claim, and
* a claim for SMC.

***Reference***: For more information on claims for reconsideration, see M21-1, Part III, Subpart ii, 2.F. |

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| ***Reminder***: When accepting *VA Form 21-2680* as a claim for SMC or SMP, the form is a potential claim for *both* A&A and housebound benefits.* A grant of A&A renders the issue of housebound moot for the same type of benefit (either SMC or SMP) since A&A is the greater benefit. The issue of entitlement to SMC or SMP based on housebound status need not be addressed when A&A is granted for the same type of benefit (SMC or SMP).
* If A&A is denied, the rating decision must address the issue of housebound status since *VA Form 21-2680* is a claim for both benefits.

***Reference***: For more information on reviewing *VA Form 21-2680* for claims for spousal A&A, surviving spouse’s A&A or housebound benefits, or parent’s A&A, see M21-1 Part III, Subpart ii, 2.B.1.g. |

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| **g. Reviewing VA Form 21-2680 for Claims for Spousal or Survivors’ A&A or Housebound Benefits** | *VA Form 21-2680* can be used as a standalone form to claim spousal or survivors’ A&A or housebound benefits as long as the benefit sought is adequately identified. The identification of the benefit sought can be* specific, with the claimant stating which benefit is being claimed, or
* based on sympathetic reading of the claim such as
* identifying the dependent as the claimant or the individual being examined on the *VA Form 21-2680*, and
* considering the information on the form in the context of the VA benefits being paid based on the Veteran’s service.

Use the table below when a Veteran’s spouse, surviving spouse, or parent is identified as the claimant or the individual being examined on *VA Form 21-2680*.  |

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| **When ...** | **Then accept the *VA Form 21-2680* as a claim for ...** |
| * a Veteran is in receipt of, entitled to receive, or claiming compensation, and
* the spouse is identified as the individual being examined on the form
 | spousal A&A. |
| * a surviving spouse is receiving DIC or survivors pension, and
* the spouse is identified as the individual being examined on the form
 | for surviving spouse’s A&A and housebound benefits.  |
| * a Veteran’s parent is receiving parent’s DIC, and
* the parent is identified as the individual being examined on the form
 | A&A for the parent. |

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| **h. Issues that Arise from Consideration of VA Form 21-2680** | *VA Form 21-2680* is not a specific claim for increased evaluation of an SC disability. However, the issue of increased evaluation can be considered within the scope of the claim for SMC and should be addressed in the rating decision when* evidence on *VA Form 21-2680* or in the evidence associated with the claim indicates the presence of a disability that is within the scope of an SC disability (such as a complication of diabetes), or
* evidence on *VA Form 21-2680* or other lay or medical evidence associated with the claim indicates the SC disability may have worsened.

***Important***: If the medical evidence is insufficient to evaluate the disability, request examination of the condition as a part of the claim for SMC. Only address the condition in the rating decision when examination confirms a change in the disability evaluation of the SC issue is warranted or confirms the presence of the condition that is within the scope of another SC condition. |

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| **i. VA’s Obligation to Address a Claimant’s Entitlement to Multiple Survivor Benefits** | VA designed most applications for benefits so that claimants may apply for multiple survivor benefits without filing separate applications for each one. By doing so, however, VA obligated itself to determine a claimant’s entitlement to each of the benefits named in the title of the application submitted by the claimant.The following table provides examples of which benefits VA must address depending on which forms the claimant submits. |

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| **When ...** | **Then VA is obligated to address the claimant’s entitlement to ...** |
| a surviving parent submits *VA Form 21-535* | * DIC, ***and***
* accrued benefits.
 |
| a surviving spouse or child submits* *VA Form 21-534*, or
* *VA Form 21-534EZ*
 | * DIC
* Survivors Pension, ***and***
* accrued benefits.
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| j. Receipt of EZ Form Requesting a Different Benefit Application | The *VA Form 21-526EZ* and *VA Form 21-527EZ* contain instructions for the claimant to request a different benefit application.Use the table to determine what action must be taken upon receipt of such notice. |

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| If the *VA Form …* | Then send the claimant a request for application letter and attach … |
| *21-526EZ* has “Pension” written* at the top of the form, or
* in the claimed disabilities section
 | *VA Form 21-527EZ*. |
| *21-527EZ* has “Will claim compensation – send *VA Form 21-526EZ”* written* at the top of the form, or
* in the claimed disabilities that prevent you from working section
 | *VA Form 21-526EZ*. |

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| ***Reference***: For more information about requests for applications, see* M21-1, Part III, Subpart ii, 2.C.2.b, and
* [38 CFR 3.155(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ff54670a749e8c62df73425209c94898&mc=true&node=se38.1.3_1155&rgn=div8).
 |

#### 2. Claims Filed at or Prior to Separation From Service

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| Change Date | April 7, 2014 |

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| a. Claims Filed at or Prior to Separation From Service  | In an effort to begin compensating Veterans for their service-related disabilities as soon as they separate from service, VA has developed several programs that allow Veterans to begin the claims process at or prior to separation.***Examples***:* BDD
* QS, and
* IDES.

***References***: For more information about* BDD and QS, see M21-1, Part III, Subpart i, 2.A and B, and
* IDES claims, see M21-1, Part III, Subpart i, 2.D.
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#### 3. Miscellaneous Information About Claims for VA Benefits

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| Introduction | This topic contains miscellaneous information about claims for VA benefits, including* original requests for benefits that are not filed on a prescribed form
* use of obsolete forms
* what constitutes a substantially complete application
* when to place an application for benefits under end product (EP) control
* handling requests for benefits VA receives after processing an original claim
* handling an unsigned application for benefits
* furnishing applications to claimants, and
* determining the proper date of claim (DOC) for claims establishment purposes.
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| Change Date | February 8, 2016 |

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| a. Original Requests for Benefits That Are Not Filed on a Prescribed Form | Use the table below to determine whether an original request for benefits that is ***not*** filed on one of the prescribed forms in M21-1, Part III, Subpart ii, 2.B.1.a or M21-1, Part III, Subpart ii, 2.B.1.b, is considered an informal claim ***or*** a request for application. |

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| If received … | Then process as … |
| prior to March 24, 2015 | an informal claim. |
| on or after March 24, 2015 | a request for application. |

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| ***References***: For more information about * requirements for a formal application received prior to March 24, 2015, see M21-1, Part III, Subpart ii, 2.B.1.a
* requirements for a complete claim received on or after March 24, 2015, see M21-1, Part III, Subpart ii, 2.B.1.b, and
* informal claims, requests for application, and instructions for handling them, see
* M21-1, Part III, Subpart ii, 2.C, and
* [38 CFR 3.155(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ff54670a749e8c62df73425209c94898&mc=true&node=se38.1.3_1155&rgn=div8).
 |

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| b. Use of Obsolete Forms | Upon receipt of a claim for disability compensation or pension that a claimant filed on an obsolete form* consider the claim valid, and
* determine if it is necessary to request completion of a current version of the form in order to obtain additional evidence or information necessary to decide the claim.
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| c. What Constitutes a Substantially Complete Application | VA has a duty to assist claimants who file a substantially complete application for benefits. The criteria for a substantially complete application are found in M21-1, Part I, 1.B.1.b, which also discusses the validity of signatures on* photocopied applications, and
* applications VA receives by fax.

***References***: For more information about* signatures by mark or thumbprint, see M21-1, Part III, Subpart ii, 1.C.2.a
* unsigned applications, see M21-1, Part III, Subpart ii, 2.C.1.q, and
* VA’s duty to assist, see M21-1, Part I, 1.C.
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| **d. When to Place an Application for Benefits Under EP Control** | Do ***not*** establish end product (EP) control for an application for benefits unless it is substantially complete. ***References***: For more information on* criteria for a substantially complete application, see M21-1, Part I, 1.B.1.b, and
* notification requirements for an incomplete application, see M21-1, Part I, 1.B.1.e.
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| e. Handling Requests for Benefits VA Receives After Processing an Original Claim  | Use the table below to determine how to handle requests for benefits received once a claimant has completed one of the prescribed applications in M21-1, Part III, Subpart ii, 2.B.1.a or M21-1, Part III, Subpart ii, 2.B.1.b. |

|  |  |
| --- | --- |
| If received … | Then process as … |
| prior to March 24, 2015 | an informal claim and* establish EP control, and
* initiate development of the claim.
 |
| on or after March 24, 2015 | a request for application. |

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| **f. Handling an Unsigned Application for Benefits** | Follow the steps in the table below upon receipt of an unsigned application for benefits for* *original* claims received prior to March 24, 2015, and
* ***all*** claims received on or after March 24, 2015.
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|  |  |
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| **Step** | **Action** |
| 1 | Make a copy of the application and add the copy to the claims folder ***unless*** a copy already exists in the claimant’s electronic claims folder (eFolder). |
| 2 | Return * the application to the claimant, and
* inform the claimant that in order to establish potential entitlement to benefits from the date VA initially received the unsigned application, he/she ***must*** sign and return the application within one year of the date it was submitted to VA .

***Exceptions***:* VA accepts an electronic signature in lieu of a handwritten signature when a claimant submits an application through Veterans On-Line Application (VONAPP) Direct Connect (VDC).
* When a power of attorney (POA) submits an original application for benefits through VDC on a claimant’s behalf, the POA must
* complete the “checkmark solution” described in M21-1, Part III, Subpart i, 4.B.2, or
* download a copy of the signature page associated with the application
* obtain the claimant’s handwritten signature on the signature page, and
* upload the signature page into VDC.

***Reference***: Follow the procedures in M21-1, Part III, Subpart ii, 1.A.2 for processing claims received through VDC. |

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| g. Furnishing Applications to Claimants | VA has an obligation under [38 CFR 3.150](http://www.ecfr.gov/cgi-bin/text-idx?SID=ff54670a749e8c62df73425209c94898&mc=true&node=se38.1.3_1150&rgn=div8) to provide an application for benefits to anyone who requests one.Before furnishing an application to a claimant *in person*, enter the Veteran’s name and file number in the appropriate spaces on the form.***Rationale***: When the claimant eventually returns the application to VA, it will be easier and faster to* identify the Veteran on whom the claim is based, and
* associate the application with the proper claims folder.
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| h. Determining the Proper DOC for Claims Establishment Purposes | The date of claim (DOC) for claims establishment purposes is the earliest date ***any*** VA facility received the claim.***Example Scenario***:* A VAMC receives *VA Form 21-526* on October 14, 2006.
* The VAMC forwards the application to the regional office (RO) on November 1, 2006.
* The RO does ***not*** receive the application in its mailroom until November 5, 2006.

***Result***: When the RO places the claim under EP control, it must use October 14, 2006, as the DOC. |