

Chapter 4
DECEASED VETERANS

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Chapter 4 DECEASED VETERANS

4.01 Introduction

This chapter provides information on how to process benefit changes for a deceased Veteran who was participating in Vocational Rehabilitation and Employment (VR&E) program at the time of death. This chapter also contains regulatory guidance on this issue.

4.02 References and Resources

Regulations: 38 Code of Federal Regulations (CFR)3.211
38 CFR 21.324

VA Forms (VAF): VAF 5655, Financial Status Report

4.03 Process Overview of Benefit Changes Following the Death of a Veteran

The Vocational Rehabilitation Counselor (VRC) or designee must perform the following actions upon notice of the death of a Veteran participating in the Chapter 31 program:

- Verify notification of death
- Suspend any running awards
- Terminate Chapter 31 benefits upon verification of death
- Notify surviving dependents of the benefits change

4.04 Official Notification of Death

a. Requirement for Official Notification of Death

The VR&E program requires official notification of a Veteran's death before terminating Chapter 31 benefits.

b. Types of Official Notification of Death

38 CFR 3.211 provides the regulatory guidance regarding the notification of death. The two types of official notification of death are when:

1. Death Occurs Within the United States

If the death occurs in the United States (U.S.), then the death must be verified by a copy of the death certificate signed by a medical officer; a copy of the coroner's report of death or a verdict of a coroner's jury; or a clinical summary or other report signed by a medical officer.

2. Death Occurs Outside the United States

If the death occurs outside the U.S., then the death must be verified by a U.S. Consular report of death bearing the signature and seal of the U.S. Consul, or a copy of the public record of death authenticated by the U.S. Consul or other agency of the State Department.

c. When Official Notification Cannot be Obtained

If the required evidence for official notification of death cannot be obtained, the reason must be stated and that information must be documented in the Veteran's Counseling/Evaluation/Rehabilitation (CER) folder. The fact of death may then be established by affidavits of persons who have personal knowledge of the fact of death, have viewed the body of the deceased, and know it to be the body of the person whose death is being established. The affidavit must set forth all the facts and circumstances concerning the death, to include place, date, time, and cause. For more information on other methods of evidence for confirmation of death, see 38 CFR 3.211.

d. Financial Consideration Resulting from a Veteran's Death

When a benefit check for a deceased Veteran is returned to Veterans Affairs (VA) Finance, the award and any other benefits must be suspended until official notification is received.

4.05 Discontinuing a Deceased Veteran's Case

a. Sources to Verify a Veteran's Death

1. Benefits Delivery Network (BDN)

Review the M32 screen to verify the death of a Veteran using BDN.

2. Share

To verify the death of a Veteran using Share, go to the Veteran Identification Data Screen and Corporate Inquiries, view the "PreConvsn Master Rcd" screen, and the date of death will be listed under the M11 screen.

3. Compensation and Pension Record Interchange (CAPRI)

The date of the Veteran's death may or may not be noted in the Veteran's medical records if he/she died while not under the care of the VA. The VRC should check CAPRI prior to closing a deceased Veteran's case.

4. Veteran's Next of Kin (NOK)

The VRC should attempt to contact the Veteran's NOK telephonically if the VRC suspects a Veteran has died. The VRC should never email the NOK in regard to inquiring about the Veteran's death.

5. Veterans Service Center (VSC)

The VRC may verify the death of a Veteran by contacting a service representative in the VSC.

- b. Termination of Benefits

No notice of termination of benefits is required when VA receives evidence that a Veteran has died. Once a notice of death is received, the VRC will immediately terminate the award effective the date of death and send the Veteran's NOK a subsistence allowance reduction – course withdrawal letter. The letter must include information on requesting a debt waiver from finance or debt management if needed. The termination of benefits due to death is governed by 38 CFR 21.324.

To terminate benefits for a deceased Veteran:

1. Discontinue the Veteran's case per M28R.III.A.2 and M28R.V.A.7.
2. Provide written notice of benefit termination to the family of the deceased Veteran, and file a copy of the letter in the Veteran's CER folder.
3. Forward the copy of the death certificate to the VSC for placement in the Veteran's claim folder, if applicable.
4. Document the termination actions in a Corporate WINRS (CWINRS) case note.

- c. Overpayment of Subsistence Allowance Waiver

1. Station Debts

Regional Office (RO) Finance Divisions are responsible for debts that the Debt Management Center (DMC) cannot service, to include Chapter 31

Revolving Fund Loans (RFL) and Chapter 31 subsistence allowance debts on active records. These debts are entered into BDN or Veterans Service Network (VETSNET) Finance and Accounting System (FAS). VR&E staff should be aware of the local RO procedures for handling these debts, including the process for requesting a waiver or consideration for a compromise offer from the appropriate Committee on Waivers and Compromises (COWC) at the RO of jurisdiction.

2. DMC Debts

The DMC is responsible for Chapter 31 debts on inactive records. When the Veteran's account is established with the DMC, he/she (in the case of a deceased Veteran, the NOK) will receive a notice explaining what a waiver is and what VA needs to process it.

It is important for VR&E staff to note that for the NOK to apply for a waiver for the overpayment, he/she must submit the following items:

- A letter explaining why the Veteran should not be held responsible for payment of the debt or why collection of the debt would be unfair and create a financial hardship due to the Veteran's demise, and
- A completed and signed VAF 5655, Financial Status Report, (see Appendix O, VA Forms).

The NOK must mail the letter and VAF 5655 to:

US Department of Veterans Affairs
Debt Management Center
P.O. Box 11930
St. Paul, MN 55111

4.06 When Notification of Death Proves to Be False

In the event that a notification of a Veteran's death proves to be false, Chapter 31 benefits must be reinstated. For information on how to reinstate a Veteran from Interrupted (08) status or Discontinued (09) status, see M28R.III.A.2.