

Enclosure E- Incompetency Hearings, Additional Evidence, and Appeals

Additional Evidence and Hearings

If the VSC, PMC or fiduciary hub receives additional evidence or a request for a hearing from a beneficiary during the 60-day due process period, transfer jurisdiction of the EP 600 from the fiduciary hub to the VSC co-located with the fiduciary hub.

The responsible fiduciary hub employee closes the tracked item in VBMS or Map-D and changes the claim status to “Inter office action required: Additional Competency Evidence to VSC.”

The co-located VSC is responsible for monitoring VETSNET Operations Reports (VOR) for claims with the status of “Inter office action required: Additional Competency Evidence to VSC” and for completing the rating on these cases.

If the co-located VSC determines the beneficiary should be rated competent, it completes the final rating, processes any award actions, and sends notification to the beneficiary. Upon finalizing these actions, the co-located VSC returns the claims file jurisdiction to the original station of jurisdiction.

If the co-located VSC determines the beneficiary should be rated incompetent, it completes the final rating, processes any award actions, and sends notification to the beneficiary. The co-located VSC completes VA Form 21-592 and sends it to the fiduciary hub as directed in Training Letter 11-04, *Processing Virtual VA Electronic VA Form 21-592, Request for Appointment of a Fiduciary, Custodian or Guardian, Documents*. The Fiduciary hub establishes the EP 290 and releases retroactive benefits upon appointment of a fiduciary, if appropriate.

Appeals

The VSC co-located with the fiduciary hub of jurisdiction will handle all appeals of incompetency determinations. Fiduciary hubs will handle all appeals of fiduciary appointments.