

**DEPARTMENT OF VETERANS AFFAIRS**  
**Veterans Benefits Administration**  
**Washington, D.C. 20420**

February 20, 2009

Director (00/21)  
All VA Regional Offices and Centers

In Reply Refer To: 212  
Fast Letter 09-13

SUBJ: New and Revised Veterans Claims Assistance Act of 2000 (VCAA) Letter Templates and Enclosure in Modern Award Processing-Development (MAP-D)

**Purpose**

This letter provides information and guidance on four new VCAA letter templates, and new and revised VCAA notice paragraphs (formerly called attachments) that are now located in a single VCAA enclosure.

**Background**

As part of the Inventory Reduction Initiative, the Under Secretary for Benefits directed a workgroup to review VCAA letters and identify areas for improvement. The review revealed the following major areas needing improvement:

- General format (letters were difficult to follow and had unnecessary empty space)
- Content (redundant language and complex text)
- Excessive length of the letter

To resolve these problems, the workgroup created four new letter templates and reviewed nearly 500 development paragraphs in MAP-D. About one quarter of the development paragraphs were either rewritten or removed. In addition, the workgroup changed and created new VCAA notice paragraphs that MAP-D will generate as a single enclosure. The new templates and notice paragraphs will reduce the need for user input by regional office (RO) staff.

The Office of General Counsel (OGC), the Board of Veterans' Appeals, and the Compensation and Pension (C&P) Service have agreed that the new letter templates and notice paragraphs are legally sufficient. Therefore, **local changes or modifications to the basic format of the VCAA templates and the text of the VCAA enclosure and the VCAA Notice Response are *not* permitted unless authorized by the C&P Service.** Users may tailor the *development* paragraphs only when the appropriate selection or item needed is not available in MAP-D.

## **New Letter Templates**

The four new letter templates are tailored for specific types of claims. With the exception of the template for death claims, which serves multiple benefits, each template has general standard development paragraphs associated with each type of claim. These templates will greatly reduce the need for the user to add generic development paragraphs on identifying VA records, obtaining private treatment records, and submitting lay statements. For the death claims template, the user still must select all development paragraphs, whether specific or general, pertinent to the type of claim.

The following are the new letter templates and will be labeled in MAP-D as:

- *VCAA for Service Connection* (to be used in original, new, and increased evaluation compensation claims)
- *VCAA for NSC Pension*
- *VCAA for Service Connection and NSC Pension*
- *VCAA for Death Benefits* (to be used in claims for Dependency and Indemnity Compensation (DIC), Death Pension, and Accrued Benefits)

These templates can be viewed online at <http://vbaw.vba.va.gov/bl/21/systems/mapd.htm>.

The current VCAA letter template (called VCAA in MAP-D) will continue to exist and should **only** be used if one of the new templates does not apply. Users are required to add development action paragraphs to the letter *for items specifically needed*.

Conversely, users should delete the standardized development paragraphs if they are not pertinent.

### **New and Revised *Dingess/Hartman* Notice**

The *Dingess/Hartman v. Nicholson* (2006) notice has been tailored for each of the new letter templates for all benefits likely to involve assigning an effective date or an evaluation.

As a proactive measure, OGC advised VA to provide a *Dingess/Hartman* notice for DIC and pension claims. Although the decision of *Dingess/Hartman* itself expressly refers to service connection, a claim for DIC may be construed to be related to service connection and the applicability of *Dingess/Hartman* with pension claims might be debated in future litigation.

### **Revised *Vazquez-Flores* Notice AutoText**

Changes required by Fast Letter (FL) 08-26, “*Vazquez-Flores v. Peake* and New Veterans Claims Assistance Act (VCAA) Notification Requirements” (September 16, 2008), were finalized after the C&P Service submitted the letter modifications for programming.

Therefore, when working all claims for increased evaluation (using either the SC template or the SC and NSC template) the following entries must be inserted using AutoText into the VCAA enclosure under the subheading “How VA Determines the Disability Rating”:

#### **- Where to Add**

*After* the opening paragraph that begins with  
“When we find disabilities to be service connected....”

#### **What to Add**

“In rating a disability, the rating schedule sometimes refers to the criteria used to rate similar or related conditions. For example, a knee replacement may be rated based on the limited ability to straighten the leg, the extent of impairment from fractured leg bones, or the position of a fixed knee joint. Dermatitis or eczema may be rated as scars or disfigurement of the head, face, or neck.”

## **- Where to Add**

*After* the final paragraph that begins with  
“Examples of evidence that are relevant...”

## **What to Add**

“Attached at the end of this letter are any additional specific factors we use in assigning your disability rating.”

In addition to the text above, employees must continue to add diagnostic code information in claims for increased evaluation.

## **VCAA Notice Response**

The new *VCAA Notice Response* has been clarified to clearly state that the claimant has 30 days from the date of the letter sent with the notice response to submit evidence. The notice response should be used with any VCAA letter that is issued. **A locally created substitute or any modifications to the notice response page is not allowed.**

We have emphasized the importance of returning the notice response by referring to it in bold font and moving it under the section “What Do We Still Need From You?” Prior instructions provided in FL 05-17, *VCAA Notice Response* (November 4, 2005), in regards to the required inserted language for the “How Soon Should You Send It?” time limit paragraph is superseded by this letter, as each letter template contains a revised paragraph. Follow all other instructions in FL 05-17.

## **Additional Information**

The *VCAA Notice Response* will automatically generate with the letter. However, to ensure it is listed at the end of the letter as an enclosure, RO staff must manually select “VCAA Notice Response” from the “What the Evidence Must Show” paragraph menu in MAP-D.

As stated previously in this letter, users may tailor the *development paragraphs only* when the appropriate selection or item needed is not available in MAP-D. If development paragraphs are tailored, users must conform to the standard text rules as stated below:

- VCAA letter headings are to be done in Arial 12-point font (and in **Bold**).
- Text within the letter is to be done in Times New Roman 12-point font.

For additional information regarding specific changes to development paragraphs and the structure of the VCAA letter, please see the enclosures listed below:

- The VCAA notice enclosure changes (Enclosure 1)
- New and revised “What The Evidence Must Show” (WTEMS) paragraphs (Enclosure 2)
- New development paragraphs (Enclosure 3)
- Sample letter for original service connection (Enclosure 4)

## **Printing**

RO staff will need to manually set the page margins to default to one inch on all sides. Contact local IT staff for assistance or follow these instructions:

1. Click on *File* located on the menu bar.
2. Click on *Page Set up*.
3. Click on *Margins* tab.
4. Set “top”, “bottom”, “left”, and “right” margin to one (1) inch. Click okay to save the changes.

Unless you change the default settings for Microsoft Word, you will need to make this margin change on each individual letter. If you wish to make this the default setting for all Microsoft Word documents, complete the following steps after you have changed the margins in step 4:

5. Click on *Default*
6. Click yes when asked if you would like to change the default for all normal templates.

At local discretion, ROs may print the VCAA letter templates and other MAP-D letters using both sides of the page. Contact local IT staff for assistance in

selecting the option to print duplex. Generally, RO staff may select the option to duplex print by following these instructions:

1. Click on *File* located on the menu bar.
2. Click on *Print*.
3. Click on *Properties*.
4. Select "Print on Both Sides." Once that option is selected, the letter will print to read from side-to-side. To select the option to read the pages when flipped up, check the box for "Flip Pages Up." Click okay twice to save the changes. When printing duplex, a manual page break must be inserted on the last page of the VCAA enclosure so that the notice response page may print separately. To insert a page break,

1. Click on *Insert* located on the menu bar.
2. Click on *Break*.
3. Check the box for "Page break."

## **Whom to Contact for Help**

Employees may e-mail questions, comments, and suggestions regarding this letter or any issues related to MAP-D directly to the MAP-D mailbox:  
VAVBAWAS/CO/MAPD.

/S/

Bradley G. Mayes  
Director  
Compensation and Pension Service

Enclosures

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## **Enclosure 1**

### **The VCAA Notice Enclosure Changes**

All legally required VCAA notice information is part of a single enclosure with multiple subheadings. The user should not input any data on the enclosure unless directed by the C&P Service. There are also new section headings within

the development portion of the letter. The titles of the new headings are as follows:

**- Old Section Heading**

1. "How You Can Help and How VA Can Help You" (Parts of this section)
2. "What The Evidence Must Show"
3. "How VA Determines the Disability Rating"
4. "How VA Determines the Effective Date"

All of the above were separate attachments.

**New Section Heading**

"Veterans Claims Assistance Act (VCAA)" The information from the old section headings is now compiled in a single enclosure, including the following legal notices:

- "What The Evidence Must Show"
- *Quartuccio* paragraphs
- *Dingess/Hartman* paragraphs
- *Pelegriini notice*

**- Old Section Heading**

"How You Can Help and How VA Can Help You," under the subheadings *We have received the following* and *What Have We Done*.

**New Section Heading**

"What Have We Received?" and "What Have We Done?" are both located in the development portion of the letter.

**- Old Section Heading**

"How Can You Help?" was formerly located under "How You Can Help and How VA Can Help You"

**New Section Heading**

"How You Can Help?" is located as a subheading in the "Veterans Claims Assistance Act (VCAA)" enclosure.

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## Enclosure 2

### New and Revised

#### “What The Evidence Must Show” (WTEMS) Paragraphs

There are 13 new and amended VCAA WTEMS paragraphs. The revised and new paragraphs are listed in the table below. They are located in MAP-D and the C&P Service’s Procedures website at <http://vbaw.vba.va.gov/bl/21/systems/mapd.htm>.

#### Revised WTEMS Paragraphs

- Service Connection
- Increased Evaluation
- Accrued Benefits
- Nonservice-Connected Pension
- Special Monthly Pension

#### New WTEMS Paragraphs

- Helpless Child
- Service Connection Based on Active Duty for Training
- Service Connection Based on Inactive Duty Training
- Dependency and Indemnity Compensation Based on Active Duty for Training
- Dependency and Indemnity Compensation Based on Inactive Duty Training
- Death Pension
- New and Material Evidence

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## Enclosure 3

### New Development Paragraphs

The table below lists the new MAP-D development paragraphs. Many paragraphs have been rewritten or removed due to redundant information or requests. Specific development actions that the user selects will normally begin as the first requested item on the first page of the letter under the section title,



“What Do We Still Need From You?” The user may create needed development paragraphs that are not in MAP-D only after considering all available paragraphs.

### **Paragraph Title**

PTSD Follow-Up (receipt of insufficient stressor information)  
Active Duty for Training  
Inactive Duty Training  
DIC Based on Active Duty for Training  
DIC Based on Inactive Duty Training  
New and Material Evidence for Death Claims  
Epilepsy (use for service connection or increase evaluation)  
Merchant Marine/Seaman (General)  
Merchant Marine/Seaman in Army Transport Service  
Merchant Marine/Seaman in Coast Guard  
Merchant Marine/Seaman in Naval Transportation Service

A comprehensive list of all MAP-D paragraphs is located on the Business Applications Management and Data Sharing website at <http://vbaw.vba.va.gov/bl/21/systems/mapd.htm>