

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

July 2, 2008

Director (00/21)

All VA Regional Offices and Centers

Fast Letter 08-20

SUBJ: Benefits Delivery at Discharge Expansion and Pre-Discharge Claims Consolidation

Overview

This Fast Letter (FL) supplements M21-1MR, Part III, Subpart i, Chapter 2, which provides information and guidance for processing and rating claims filed by servicemembers. The FL:

- includes updated information on the types of claims filed by active service personnel,
- expands the definition of a Benefits Delivery at Discharge (BDD) claim, including removing the criterion that BDD claims can only be accepted at military installations where local memoranda of understanding (MOUs) are in place,
- provides updated procedures for processing pre-discharge claims,
- introduces the term “Quick Start Claim” as a part of pre-discharge claims processing, and
- consolidates all types of pre-discharge claims: BDD, VSI/SI, Quick Start, and DES. Please see the enclosure for definitions of these types of claims.

A pre-discharge claim for disability compensation can be accepted from any servicemember at any intake site prior to separation from active duty if the servicemember is within 180 days of discharge. Intake sites include all places where VA claims are accepted.

RO Directors are responsible for ensuring employees are trained in all aspects of pre-discharge claim processing. ROs will assign a coordinator to monitor pre-discharge

claims received at their respective locations. The coordinators will ensure:

- claims are accepted from servicemembers prior to release from active duty,
- timely follow-up on development actions, and
- timely transfer of claims to the designated processing site.

Background

On January 8, 2008, the President signed Public Law 110-181, the “National Defense Authorization Act for Fiscal Year 2008.” Sections 1602 and 1604 of the Act define the BDD program and mandate that BDD services be provided to members of the National Guard and Reserve at non-traditional BDD sites, such as armories and military family support centers, to the “maximum extent feasible.”

Pre-Discharge Claim Requirements

Although claims can be accepted from any servicemember who is within 180 days of separation, there are program requirements for how the claim will be processed. All of the following information must be included with the claim:

1. VA Form 21-526, *Veteran's Application for Compensation and/or Pension* **or** VA Form 21-0819 *VA/DoD Joint Disability Evaluation Board Claim* if participating in the Disability Evaluation System (DES) pilot,
2. Service treatment records (STRs),
3. Veterans Claims Assistance Act (VCAA) signed notice response, and
4. Known date of separation.

BDD Criteria

Servicemembers must be within **60-180 days** of separation to participate in the BDD process.

When a claim is received, to include all of the information in the *Pre-discharge Claim Requirements* section above, the only additional requirement to process a claim through BDD is that ***the servicemember must be available for examination(s) prior to discharge***. There will be cases where some examinations may not be completed prior to discharge. Servicemembers will not be penalized in these rare cases. (For example, if a sleep study is required.) All possible examinations must be completed.

BDD claims will be taken and developed by the intake site and processed by the rating activity site (RAS). These claims are centralized to the RAS.

Quick Start Criteria

A “quick start” claim is any claim from a service member who has **less than 60 days** to date of discharge **or** does not meet the BDD criterion requiring availability for all examinations prior to discharge. The claim should include all of the information in the *Pre-discharge Claim Requirements* section above.

Quick start claims will be accepted by intake sites and processed by consolidated processing sites (CPSs). The CPSs are yet to be determined. In the meantime, intake sites should forward quick start claims to the regional office of jurisdiction (ROJ) on a daily basis.

Paperless processing for quick start claims will be addressed in a separate letter. We are exploring opportunities to expand the paperless process to these types of claims. Further guidance will be issued once we have identified the participating sites. The chart below is a review of the criteria outlined above.

- If Available for Medical Exams Prior to Discharge and
.....Less than 60 Days Prior to Separation: Quick Start
.....Between 60-180 Days Prior to Separation: BDD
- If Not Available for Medical Exams Prior to Discharge and
.....Less Than 60 Days Prior to Separation: Quick Start
.....Between 60-180 Days Prior to Separation: Quick Start

Participant Requirements

Any servicemember may file a pre-discharge claim for disability compensation if that individual is within 180 days of release from active service. This includes

members of both active duty and full-time reserve components and those undergoing medical evaluation board (MEB)/physical evaluation board (PEB) proceedings. Those claims with a known discharge date between 60-180 days can be processed as a BDD claim. As the Disability Evaluation System (DES) pilot in the National Capitol Region expands, claims from members in the DES pilot will remain under DES jurisdiction.

National Guard members or Reservists serving on either active or full time duty are commonly referred to as Active Guard Reserves (AGRs). Both active duty and full-time National Guard duty are defined as “active service” under 10 U.S.C. 101(d).

Note: Claims from terminally ill servicemembers, those with certain special issues (e.g. OEF/OIF, very seriously ill, seriously ill and special person category), and claims that require prolonged development (e.g., claims involving radiation exposure, Gulf War undiagnosed illness, or stressor verification), must be maintained at the ROJ for processing. Control such claims with EP 110, 010, or 020, unless a different third-digit modifier is required to identify it as a special-issue claim.

Roles and Responsibilities

All RO directors are responsible for ensuring the following:

Intake Sites

- Claims are accepted at all intake sites (see Enclosure 1).
- Servicemembers file claims no more than 180 days before separation from active duty.
- A VA Form 21-526, *Veteran's Application for Compensation and/or Pension* **or** VA Form 21-0819, *VA/DoD Joint Disability Evaluation Board Claim* is received for servicemembers participating in any expansion of the DES Pilot.
- Applications are date-stamped. If a date stamp is not available, the receiving VA employee will initial the claim and annotate the date, ROJ/intake site, and title of the employee (for example, “VSR”).
- A claims folder is built.

- Service members receive and sign the pre-printed *Veterans Claims Assistance Act (VCAA)* notice and notice response at the time the VA form 21-526 or VA form 21-0819 is received and copies are placed in the claims folder.

- Legible copies of all available service treatment records (STRs) are obtained from the servicemember.

- The folder is flashed after checking the box for a BDD or quick start claim. The flash should be removed from the folder once processing of the initial claim is complete (see Enclosure 4).

- The appropriate end products (EPs) are established:

BDD Claims: Establish EP 011, 111, 027, or 297, as appropriate, in Share and check the “Pre-discharge” indicator, which automatically creates a diary (not a pending issue). Select the appropriate intake site location on the Claims Establishment screen from the dropdown box and create a MAP-D Special Issue. The diary due date will be RAD, plus one day.

Quick Start Claims: Establish EP 017, 117, 027, or 297 in Share and check the “Pre-discharge” indicator, which automatically creates a diary (not a pending issue). Select the appropriate intake site location on the Claims Establishment screen from the dropdown box and create a MAP-D Special Issue. The diary due date will be RAD, plus one day.

- Any other identified evidence or information is gathered and sent to the appropriate processing site.

- The suspense diary is updated and the claims folder permanently transferred out (PTO'd), which also transfers the EP.

For BDD Claims **Only** (see Enclosure 2):

- Servicemembers are available to complete all required examinations prior to leaving their point of separation.

- **All** claimed contentions noted on VA Form 21-526 or VA Form 21-0819 are listed in Modern Award Processing Development (MAP-D).

- All applicable electronic flashes are assigned; i.e. Global War on Terrorism (GWOT), Paperless Claims Processing (PLCP).

- Appropriate examination(s) are requested for **all** claimed conditions within five days of receipt of VA Form 21-526.
- At least 35 days prior to RAD, the suspense diary is updated and the claims folder is permanently transferred (PTO'd) in COVERS (see FL 08-17, Paperless Delivery of Veterans Benefits, Intake Site actions), which will also transfer the EP.

Consolidated Processing Sites/Regional Offices of Jurisdiction

- Upon receipt of the partially-developed quick start claim, COVERS is updated, which will complete the transfer of the EP (see Enclosure 3).
- **All** claimed contentions noted on VA Form 21-526 are listed in MAP-D.
- Examination(s) are requested for **all** conditions claimed within 5 days of receipt of claim. Personnel must have national CAPRI/VERIS access for the scheduling of examinations.
- Any other required development such as obtaining military personnel records (MPRs) is conducted.
- Examination results are obtained.
- MAP-D is updated to place in a ready-to-rate (RTR) status.
- All applicable flashes (e.g.; GWOT) are assigned.
- Release from Active Duty (RAD) date is verified.*
- Rating action is taken.
- The claims folder is available for Veteran's Service Officer (VSO) review.
- The award is promulgated.
- The veteran is notified.

*If available, the DD Form 214, *Certificate of Release or Discharge from Active Duty*, must be reviewed to ensure the projected date of separation on the VA Form 21-526 coincides with the verified date on the DD Form 214. If the DD Form 214 is not of record at the time of anticipated separation, contact the

servicemember to ascertain the actual date of separation or if the servicemember has decided to remain on active duty. If the servicemember has separated from service or cannot be reached, the CPS/ROJ or the RAS must verify service by any means available to include the Veterans Information Solution (VIS). When verified, promulgate the decision.

If the servicemember remains on active duty, disallow the claim in accordance with M21-1MR, Part III, Subpart ii, Chapter 2.B.8.e.

Once the CPSs are identified, further guidance will be provided in reference to Statistical Technical Accuracy Review (STAR) processes.

Rating Activity Sites

Primary RAS responsibilities are outlined in M21-1MR, Part III, Subpart i, Chapter 2, Section B, Topic 7.

Other Compensation Claims and Appeals

For claims involving the resumption of compensation, evaluations for non-static disabilities, and appeals, refer to M21-1MR Part III, Subpart i, Chapter 2, Section C.

For claims involving paperless claims processing (to include subsequent claims), refer to M21-1MR Part III, Subpart i, Chapter 2, Section B and Fast Letter 08-17, Paperless Processing Procedures for BDD.

Handling Claimants' Inquiries

All pre-discharge claimants may direct inquiries about the status of their claims through the toll-free VA telephone number: 1-800-827-1000.

All offices where claims are processed (to include a RAS or CPS), must keep accurate MAP-D records, including notes, and ensure the records are updated to allow Public Contact teams to provide comprehensive responses to any inquiry. If a team member cannot answer a question, create a veterans assistance inquiry (VAI) through the Inquiry Routing & Information System (IRIS) and forward it to the appropriate BDD RAS or CPS for reply. Telephone inquiries should not be referred to any BDD RAS or CPS.

If You Have Questions

Questions regarding this FL should be submitted to the VAVBAWAS/CO/PREDISCHARGE mailbox.

This Letter Rescinds

This letter is rescinded upon update of M21-1MR, Part III, Subpart i, Chapter 2.

/s/

Bradley G. Mayes, Director
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Enclosure: BDD and Pre-Discharge Flow Chart Definitions