

Missing Transmittal Sheets / Changes
As of 08/12/2014

- 6/18/13
- 3/26/13
- 2/29/12
- 2/13/12
- 9/27/11

Transmittal Sheet

**Changes
Included in
This Revision**

The table below describes the changes included in this revision of Veterans Benefits Manual M21-1MR, Part I, “Claimant’s Rights and Responsibilities,” Chapter 3, “Power of Attorney,” Section B, “Handling Power of Attorney (POA) Appointments.”

Notes:

- M21-1MR will retain some information related to the Benefits Delivery Network (BDN) until all master records are converted to VETSNET. For information on VETSNET applications and input, consult the [VETSNET User Guides](#) on the Compensation Service Intranet.
- The term regional office (RO) also includes pension management center (PMC), where appropriate.
- The term Veterans Service Center Manager (VSCM) also includes Pension Management Center Manager (PMCM), where appropriate.
- Minor editorial changes have also been made to
 - clarify Block labels and/or Block text, and
 - bring the documents into conformance with M21-1MR standards.

Reason(s) for the Change	Citation	Page(s)
To add a block on updating Share to reflect power of attorney (POA) authorized access to sensitive information.	Part I, Chapter 3, Section B, Topic 11, Block e (I.3.11.e)	3-B-18
To update the name of a national veterans service organization (VSO).	I.3.B.13.b	3-B-21
To add a name and code for a new national VSO.	I.3.B.13.b	3-B-22
<ul style="list-style-type: none">• To update the name of a national VSO.• To add a name and code for a new national VSO.	I.3.B.13.c	3-B-23
To add names and codes for two new state VSOs.	I.3.B.13.d	3-B-25

Continued on next page

Transmittal Sheet, Continued

Reason(s) for the Change	Citation	Page(s)
To add names and codes for two new state VSOs.	I.3.B.13.e	3-B-27

Rescissions None

Authority By Direction of the Under Secretary for Benefits

Signature

Thomas J. Murphy, Director
Compensation Service

Distribution LOCAL REPRODUCTION AUTHORIZED

Transmittal Sheet

**Changes
Included in
This Revision**

The table below describes the changes included in this revision of Veterans Benefits Manual M21-1MR, Part I, “Claimant’s Rights and Responsibilities,” Chapter 2, “Due Process,” Section B, “Notice of Proposed Adverse Action.”

Notes:

- Minor editorial changes have also been made to
 - clarify Block labels and/or Block text, and
 - bring the documents into conformance with M21-1MR standards.
- The term regional office (RO) also includes pension management center (PMC), where appropriate.
- The term Veterans Service Center Manager (VSCM) also includes Pension Management Center Manager (PMCM), where appropriate.

Reason(s) for the Change	Citation	Page
<ul style="list-style-type: none">• To remove reference to action being required “immediately” on a maturing EP600.• To focus block on topic of defining responsibility for controls.• To avoid implying that next action on a mature EP600 must be immediate (the next action taken).• To remove repeating information from block b on establishing controls.• To delete obsolete and unnecessary content.	Part I, Chapter 2, Section B, Topic 7, Block a (I.2.B.7.a)	2-B-11

Continued on next page

Transmittal Sheet, Continued

Rescissions

None

Authority

By Direction of the Under Secretary for Benefits

Signature

Thomas J. Murphy, Director
Compensation Service

Distribution

RPC: 2068
FD: EX: ASO and AR (included in RPC 2068)

LOCAL REPRODUCTION AUTHORIZED

Transmittal Sheet

**Changes
Included in
This Revision**

The table below describes the changes included in this revision of Veterans Benefits Manual M21-1MR, Part I, “Claimant’s Rights and Responsibilities,” Chapter 1, “Duty to Assist,” Section C, “Requesting Records,”

Notes:

- M21-1MR will retain some information related to the Benefits Delivery Network (BDN) until all master records are converted to VETSNET. For information on VETSNET applications and input, consult the [VETSNET User Guides](#) on the Compensation Service Intranet.
- The term regional office (RO) also includes pension management center (PMC), where appropriate.
- The term Veterans Service Center Manager (VSCM) also includes Pension Management Center Manager (PMCM), where appropriate.
- Minor editorial changes have also been made to
 - clarify Block labels and/or Block text, and
 - bring the documents into conformance with M21-1MR standards.

Reason(s) for the Change	Citation	Page(s)
<ul style="list-style-type: none">• To clarify the text to indicate that listed Federal record types are not an exclusive list.• To add references to other provisions on requesting records held by Federal departments or agencies.	Part I, Chapter 1, Section C, Topic 5, Block a (I.1.C.5.a)	1-C-3
<ul style="list-style-type: none">• To clarify policy by deleting language stating that VA must receive a response from a Federal record custodian before the duty to assist is met.• To add references on requesting Federal records as part of the duty to assist.	I.1.C.5.b	1-C-4
<ul style="list-style-type: none">• To clarify that efforts to conclude the duty to assist in obtaining Federal records may be concluded based on a response from the record custodian or upon completion of specified minimum efforts.	I.1.C.5.e	1-C-5

Continued on next page

Transmittal Sheet, Continued

Reason(s) for the Change	Citation	Page(s)
<ul style="list-style-type: none">• To clarify the guidance on notifying a claimant that Federal records are unavailable.<ul style="list-style-type: none">○ To remove the requirement that VA receive an affirmative response from the record custodian.○ To make step 1 of the procedure consistent with M21-1MR Part III, Subpart iii, 2.I.59.c.• To add a reference to additional guidance on unsuccessful attempts to obtain Federal records.	I.1.C.5.f	1-C-6

Rescissions None

Authority By Direction of the Under Secretary for Benefits

Signature

Thomas J. Murphy, Director
Compensation Service

Distribution LOCAL REPRODUCTION AUTHORIZED

Transmittal Sheet

**Changes
Included in
This Revision**

The table below describes the changes included in this revision of Veterans Benefits Manual M21-1MR, Part I, “Claimant’s Rights and Responsibilities,” Chapter 1, “Duty to Assist,” Section C, “Requesting Records,”

Notes:

- M21-1MR will retain some information related to the Benefits Delivery Network (BDN) until all master records are converted to VETSNET. For information on VETSNET applications and input, consult the [VETSNET User Guides](#) on the Compensation Service Intranet.
- The term regional office (RO) also includes pension management center (PMC), where appropriate.
- The term Veterans Service Center Manager (VSCM) also includes Pension Management Center Manager (PMCM), where appropriate.
- Minor editorial changes have also been made to
 - clarify Block labels and/or Block text, and
 - bring the documents into conformance with M21-1MR standards.

Reason(s) for the Change	Citation	Page(s)
<ul style="list-style-type: none">• Change the waiting periods for responses to initial and follow-up requests for Federal records.• Add a cross reference.	Part I, Chapter 1, Section C, Topic 5, Block d (I.1.C.5.d)	1-C-4
<ul style="list-style-type: none">• Remove step 1. A formal finding of Federal record unavailability is no longer required.• Redesignate step 2 as step 1.• Redesignate step 3 as step 2.• Change wording from “oral or written notice” to “final attempt notice.”• Provide a cross reference.	I.1.C.5.f	1-C-6 and 7

Continued on next page

Transmittal Sheet, Continued

Rescissions

None

Authority

By Direction of the Under Secretary for Benefits

Signature

Thomas J. Murphy, Director
Compensation Service

Distribution

LOCAL REPRODUCTION AUTHORIZED

Transmittal Sheet

**Changes
Included in
This Revision**

The table below describes the changes included in this revision of Veterans Benefits Manual M21-1MR, Part I, “Claimant’s Rights and Responsibilities,” Chapter 3, “Power of Attorney,” Section B, “Handling Power of Attorney (POA) Appointments.”

Notes:

- M21-1MR will retain some information related to the Benefits Delivery Network (BDN) until all master records are converted to VETSNET. For information on VETSNET applications and input, consult the [VETSNET User Guides](#) on the Compensation Service Intranet.
- The term regional office (RO) also includes pension management center (PMC), where appropriate.
- The term Veterans Service Center Manager (VSCM) also includes Pension Management Center Manager (PMCM), where appropriate.
- Minor editorial changes have also been made to
 - clarify Block labels and/or Block text, and
 - bring the documents into conformance with M21-1MR standards.

Reason(s) for the Change	Citation	Page(s)
<ul style="list-style-type: none">• Re-titled topic from “Acknowledging Representation” to “Handling Representative Appointment Forms,” which is a more accurate description of the topic content.	Part I, Chapter 3, Section B, Topic 9 (I.3.B.9)	3-B-2 to 3-B-7
<ul style="list-style-type: none">• Incorporated material from FL 12-16 in existing blocks c, d, and e, f, and in new block g. Moved material from prior blocks c, d, e and f to new blocks g, h, i, and j.	I.3.B.9	3-B-2 to 3-B-7
<ul style="list-style-type: none">• Clarified text to reflect that the concern is releasing the Veteran’s claims folder to a non-Veteran claimant’s representative.	I.3.B.9.b	
<ul style="list-style-type: none">• Specified the actions to take when reviewing a <i>VA Form 21-22, Appointment of Veterans Service Organization as Claimant’s Representative</i>.• Added references.	I.3.B.9.c	

Continued on next page

Transmittal Sheet, Continued

Reason(s) for the Change	Citation	Page(s)
<ul style="list-style-type: none">Specified policies on acceptability of a <i>VA Form 21-22</i> in block d.	I.3.B.9.d	3-B-3
<ul style="list-style-type: none">Specified the procedure to following for handling an outdated <i>VA form 21-22</i> in block e.	I.3.B.9.e	3-B-4
<ul style="list-style-type: none">Specified the procedure to follow if an incomplete <i>VA Form 21-22</i> is received.	I.3.B.9.f	3-B-4
<ul style="list-style-type: none">Updated instructions for processing each of the three copies of <i>VA Form 21-22</i> and updated the cross reference.	I.3.B.9.g	3-B-5
<ul style="list-style-type: none">Add a national veteran service organization (VSO) Associates of Vietnam Veterans of America, and the code for the organization.	I.3.B.13.b	3-B-19
<ul style="list-style-type: none">Add national VSO Associates of Vietnam Veterans of America and their code.	I.3.B.13.c	3-B-21

Rescissions None

Authority By Direction of the Under Secretary for Benefits

Signature

Thomas J. Murphy, Director
Compensation Service

Distribution RPC: 2068
FD: EX: ASO and AR (included in RPC 2068)

LOCAL REPRODUCTION AUTHORIZED

Transmittal Sheet

**Changes
Included in
This Revision**

The table below describes the changes included in this revision of Veterans Benefits Manual M21-1MR, Part I “Claimants’ Rights and Responsibilities,” Chapter 3, “Power of Attorney,” Section A, “General Information on Power of Attorney.”

Notes:

- M21-1MR will retain some information related to the Benefits Delivery Network (BDN) until all master records are converted to VETSNET. For information on VETSNET applications and input, consult the [VETSNET User Guides](#) on the Compensation Service Intranet.
- The term regional office (RO) also includes pension management center (PMC), where appropriate.
- The term Veterans Service Center Manager (VSCM) also includes Pension Management Center Manager (PMCM), where appropriate.
- Minor editorial changes have also been made to
 - clarify Block labels and/or Block text, and
 - bring the documents into conformance with M21-1MR standards.

Reason(s) for the Change	Citation	Page(s)
<ul style="list-style-type: none">• Changed the name of the Topic to better reflect that requests for exclusive contact are no longer honored.• Changed the Introduction to the Topic to reflect the change in policy that VA does not honor requests by an attorney for exclusive contact and list the correct Blocks.	Part I, Chapter 3, Section A Topic 6	3-A-14
<ul style="list-style-type: none">• Removed references to Blocks in this Topic that have been deleted.	Part I, Chapter 3, Section A, Topic 6, Block a (I.3.A.6.a.)	3-A-14
<ul style="list-style-type: none">• Remove the prior content of Block b.• Add a new procedure for responding to requests for exclusive contact.	I.3.A.6.b	3-A-15
<ul style="list-style-type: none">• Deleted prior blocks blocks c-g	I.3.A.6	

Continued on next page

Transmittal Sheet, Continued

Rescissions None

Authority By Direction of the Under Secretary for Benefits

Signature

Thomas J. Murphy, Director
Compensation Service

Distribution RPC: 2068
FD: EX: ASO and AR (included in RPC 2068)

LOCAL REPRODUCTION AUTHORIZED

Transmittal Sheet

**Changes
Included in
This Revision**

The table below describes the changes included in this revision of Veterans Benefits Manual M21-1MR, Part I, “Claimants’ Rights and Responsibilities.”

Notes:

- M21-1MR will retain some information related to the Benefits Delivery Network (BDN) until all master records are converted to VETSNET. For information on VETSNET applications and input, consult the [VETSNET User Guides](#) on the Compensation Service Intranet.
- The term regional office (RO) also includes pension management center (PMC), where appropriate.
- The term Veterans Service Center Manager (VSCM) also includes Pension Management Center Manager (PMCM), where appropriate.
- Minor editorial changes have also been made to
 - update incorrect or obsolete hyperlink references
 - update obsolete terminology, where appropriate
 - revise topic titles to more accurately reflect their content
 - clarify Block labels and/or Block text, and
 - bring the documents into conformance with M21-1MR standards.

Reason(s) for the Change	Citation	Page(s)
Added an explanation of the meaning behind the term “Section 5103 notice.”	M21-1MR, Part I, Chapter 1, Section B, Topic 3, Block b (I.1.B.3.b)	1-B-3
<ul style="list-style-type: none"> • Removed superfluous or redundant instructions. • Added instructions to document unsuccessful attempts to obtain information in Modern Award Processing – Development (MAP-D) notes (instead of on <i>VA Form 21-0820, Report of General Information</i>, per Fast Letter (FL) 12-04). 	I.1.B.3.i	1-B-9
Added an example of a type of claim that does not require Section 5103 notice.	I.1.B.3.k	1-B-12
Changed the language to clarify that VA is responsible for obtaining new and relevant evidence, regardless of whether or not the <i>source</i> of the evidence is “new.”	I.1.B.4.b	1-B-14
Deleted I.1.B.3.l and m. FL 12-04 eliminated the need for the instructions contained in these blocks.	---	---

Continued on next page

Transmittal Sheet, Continued

Changes Included in This Revision (continued)

Reason(s) for the Change	Citation	Page(s)
Deleted I.1.B.4.c, as it duplicates the instructions in <ul style="list-style-type: none">• the prior block (I.1.B.4.b), and• III.iv.2.B.6. (A hyperlink to this topic was added to I.1.B.4.b for reference.)	---	---

Rescissions None

Authority By Direction of the Under Secretary for Benefits

Signature

Thomas J. Murphy, Director
Compensation Service

Distribution RPC: 2068
FD: EX: ASO and AR (included in RPC 2068)

LOCAL REPRODUCTION AUTHORIZED

Transmittal Sheet

**Changes
Included in this
Revision**

The table below describes the changes included in this revision of Veterans Benefits Manual M21-1MR, Part I, “Claimants’ Rights and Responsibilities,” Chapter 3, “Power of Attorney.”

Notes:

- M21-1MR will retain some information related to the Benefits Delivery Network (BDN) until all master records are converted to VETSNET. For information on VETSNET applications and input, consult the [VETSNET User Guides](#) on the Compensation Service Intranet.
- The term regional office (RO) also includes pension management center (PMC), where appropriate.
- The term Veterans Service Center Manager (VSCM) also includes Pension Management Center Manager (PMCM), where appropriate.
- Minor editorial changes are also made to
 - update incorrect or obsolete hyperlink references
 - update obsolete terminology, where appropriate
 - clarify Block labels and/or Block text
 - repaginate documents or re-letter Blocks when text is added or removed, and
 - bring the documents into conformance with M21-1MR standards..

Reason(s) for the Change	Citation	Page(s)
<ul style="list-style-type: none">• To clarify when agents and attorneys may charge claimants for representation under 38 CFR 14.636(c).• To add a mailbox address for the Office of General Counsel.	Part I, Chapter 3, Section C, Topic 14, Block a (I.3.C.14.a)	3-C-2
To add the Compensation Service web site address for the list of Veterans Service Center agent and attorney fee coordinators (AAFCs).	I.3.C.14.b	3-C-3
<ul style="list-style-type: none">• To divide Block c into Blocks c and d to discuss the preliminary and additional duties of the AAFC.• To note how long the sensitive level 7 code or local flashes should remain in place in attorney/agent fee cases.• To note that fees may be payable even if the agent or attorney who signed the fee agreement is no longer the current representative.	I.3.C.14.c	3-C-3

Continued on next page

Transmittal Sheet, Continued

Changes Included in this Revision (continued)

Reason(s) for the Change	Citation	Page(s)
<ul style="list-style-type: none">• To clarify and discuss the additional duties of the AAFC.• To note<ul style="list-style-type: none">– that VA applies the postmark rule of 38 CFR 20.305 to determine when the fee agreement is received– when the fee agreement is not acceptable and must be returned– how to handle a fee agreement that is filed beyond 30 days of its execution, and– that VA no longer accepts requests to communicate solely with the attorney or agent.	I.3.C.14.d	3-C-4
To add a new Block f to provide procedures for direct payment of fees when appointment of a fiduciary is pending.	I.3.C.14.f	3-C-8
To delete the block, “Taking Action After the Disagreement Is Resolved,” as this information is redundant or unnecessary.	I.3.C.14.g	3-C-8
<ul style="list-style-type: none">• To clarify the period of the award that is considered “past-due benefits.”• To note how to apply the policy of withholding past-due benefits.	I.3.C.15.a	3-C-9
<ul style="list-style-type: none">• To clarify when not to withhold for possible payment of fees.• To provide a reference to and discussion of the new Exhibit 3 in I.3.C.21.	I.3.C.15.b	3-C-10
<ul style="list-style-type: none">• To clarify how to handle cases involving Equal Access to Justice Act (EAJA) fees.• To delete the Exception note, as this policy no longer applies.	I.3.C.15.g	3-C-15
To add a reference to the new I.3.C.16.b.	I.3.C.16.a	3-C-17
To add a new Block b to provide procedures for calculating past-due benefits when the award requires a reduction or offset.	I.3.C.16.b	3-C-18

Continued on next page

Transmittal Sheet, Continued

Changes Included in this Revision (continued)

Reason(s) for the Change	Citation	Page(s)
<ul style="list-style-type: none"> To clarify the eligibility criteria for payment when the notice of disagreement (NOD) was received on or before June 19, 2007. To add a Note to discuss when a Board of Veterans' Appeal (BVA) remand could be considered a final decision. 	I.3.C.16.c	3-C-19
To provide three examples of BVA decisions that are considered final for the purpose of eligibility for direct payment of fees when the NOD was received on or before June 19, 2007.	I.3.C.16.e	<ul style="list-style-type: none"> 3-C-20 3-C-21
To note that appeals of direct-pay fee decisions will be handled as traditional appeals and will not be subject to Decision Review Officer or <i>de novo</i> review.	I.3.C.17.b	3-C-24
To replace the procedures table in I.3.C.17.c with a reference to I.3.C.17.d, "Releasing Funds Withheld When an Assessment Is Required."	I.3.C.17.c	3-C-24
To clarify situations that are considered requests for reasonableness review.	I.3.C.17.g	3-C-27
To add a block to discuss how to request a reasonableness review in cases involving multiple attorneys or agents.	I.3.C.17.h	3-C-27
To update the procedures for handling specific requests for reasonableness review.	I.3.C.17.i	3-C-28
<ul style="list-style-type: none"> To update the action to take if a claimant does not return funds when VA failed to properly withhold past-due benefits. To delete the paragraph on deducting EAJA fees, as this policy no longer applies. 	I.3.C.18.b	3-C-31
To update the instructions for sending a notice of nonentitlement to direct payment of fees.	I.3.C.18.c	3-C-31
To remove the obsolete procedures for direct payment of fees when the attorney or agent is entitled and VA failed to withhold past-due benefits.	I.3.C.18.d	<ul style="list-style-type: none"> 3-C-32 3-C-33
To remove the obsolete finance activity procedures for payment of attorney or agent fees from VA funds.	I.3.C.18.e	3-C-33
To provide a new Exhibit 3, "Attorney or Agent Fee Notice."	I.3.C.21	<ul style="list-style-type: none"> 3-C-37 3-C-38 3-C-39

Continued on next page

Transmittal Sheet, Continued

Changes Included in this Revision (continued)

Reason(s) for the Change	Citation	Page(s)
To provide a new Exhibit 4, "Direct-Pay Fee Decision Notice – Direct-Pay Fee Agreement Filed by More Than One Attorney/Agent."	I.3.C.22	• 3-C-40 • 3-C-41 • 3-C-42
To provide a new Exhibit 5, "Fee Recoupment Procedures – Proposal to Recoup the Overpayment."	I.3.C.23	• 3-C-43 • 3-C-44 • 3-C-45
To provide a new Exhibit 6, "Fee Recoupment Procedures – Final Notice."	I.3.C.24	• 3-C-46 • 3-C-47

Rescissions Fast Letter 11-12, *Recoupment When VA Fails to Withhold Attorney Fees from Past-Due Benefits*.

Authority By Direction of the Under Secretary for Benefits

Signature

Thomas J. Murphy, Director
Compensation Service

Distribution RPC: 2068
FD: EX: ASO and AR (included in RPC 2068)

LOCAL REPRODUCTION AUTHORIZED

Transmittal Sheet

**Changes
Included in
This Revision**

The table below describes the changes included in this revision of Veterans Benefits Manual M21-1MR, Part I, “Claimant’s Rights and Responsibilities,” Chapter 5, “Appeals.”

Notes:

- M21-1MR will retain some information related to the Benefits Delivery Network (BDN) until all master records are converted to VETSNET. For information on VETSNET applications and input, consult the [VETSNET User Guides](#) on the Compensation Service Intranet.
- The term regional office (RO) also includes pension management center (PMC), where appropriate.
- The term Veterans Service Center Manager (VSCM) also includes Pension Management Center Manager (PMCM), where appropriate.
- Minor editorial changes have also been made to
 - clarify Block labels and/or Block text, and
 - bring the documents into conformance with M21-1MR standards.

Reason(s) for the Change	Citation	Page(s)
To clarify that when listing evidence in a SOC the decision maker should specify VA treatment records contained in the electronic folder in Virtual VA.	Part 1, Chapter 5, Section D, Topic 19, Block a (I.5.D.19.a)	5-D-6
To add a note clarifying the proper handling of records contained in the electronic claims folder in Virtual VA at the time an appeal is certified to the Board of Veterans’ Appeals and to provide references on the same matter.	Part 1, Chapter 5, Section F, Topic 26, Block b (I.5.F.26.b)	5-F-4

Continued on next page

Transmittal Sheet, Continued

Rescissions

None

Authority

By Direction of the Under Secretary for Benefits

Signature

Thomas J. Murphy, Director
Compensation Service

Distribution

RPC: 2068
FD: EX: ASO and AR (included in RPC 2068)

LOCAL REPRODUCTION AUTHORIZED

Transmittal Sheet

**Changes
Included in this
Revision**

The table below describes the changes included in this revision of Veterans Benefits Manual M21-1MR, Part I, “Claimants’ Rights and Responsibilities,” Chapter 5, “Appeals.”

Notes:

- M21-1MR will retain some information related to the Benefits Delivery Network (BDN) until it is no longer operational, since the Veterans Service Network (VETSNET) does not yet permit processing of all types of benefit transactions. For information on VETSNET applications and input, consult the [VETSNET User Guides](#) on the Compensation Service Intranet.
- The term regional office (RO) also includes pension management center (PMC), when appropriate.
- The term Veterans Service Center Manager (VSCM) also includes Pension Management Center Manager (PMCM), when appropriate.
- Minor editorial changes have also been made to
 - update incorrect or obsolete hyperlink references
 - reflect the repagination of documents
 - update the term “veteran” to “Veteran”
 - update obsolete form numbers and names
 - revise Topic titles and Block labels
 - clarify Block text, and
 - bring the documents into conformance with M21-1MR standards.

Reason(s) for the Change	Citation	Page(s)
To update Exhibits 1 through 4 in accordance with Fast Letter 11-12, <i>Revised Travel Board Letters</i> .	Part I, Chapter 5, Section H, Topics 40 through 43 (I.5.H.40-43)	5-H-14 though 5-H-21

Continued on next page

Transmittal Sheet, Continued

Rescissions	Fast Letter 11-12, <i>Revised Travel Board Letters</i>
--------------------	--

Authority	By Direction of the Under Secretary for Benefits
------------------	--

Signature	
------------------	--

Thomas J. Murphy, Director
Compensation Service

Distribution	RPC: 2068 FD: EX: ASO and AR (included in RPC 2068)
---------------------	--

LOCAL REPRODUCTION AUTHORIZED

Transmittal Sheet

**Changes
Included in
This Revision**

The table below describes the changes included in this revision of Veterans Benefits Manual M21-1MR, Part I, “Claimants’ Rights and Responsibilities.”

Reason(s) for the Change	Citation	Page
Substantive Policy or Procedural Changes		
<ul style="list-style-type: none"> • To separate block c into two new blocks for clarity. • To clarify notification requirements in claims for specific evaluations. • To re-letter all subsequent blocks. • To add information regarding a valid request for revision based on clear and unmistakable error (CUE). • To add language in response to invalid requests for earlier effective date. 	I.1.B.3.c-d	1-B-5 to 7
<ul style="list-style-type: none"> • To note that per <i>Rudd v. Nicholson</i>, VA has no authority to adjudicate a freestanding claim for an earlier effective date. • To provide an example of a freestanding claim. 	Part I, Chapter 1, Section B, Topic 3, Block c (I.1.B.3.d)	1-B-6 to 7
<ul style="list-style-type: none"> • To instruct regional offices (ROs) to set the suspense date for no more than 10 business days after the date of the Veterans Claims Assistance Act (VCAA) letter to control for telephone contact. • To allow ROs that routinely process foreign cases to determine the appropriate number of days for the suspense date and follow-up telephone call on original claims. • To note that if the claimant is contacted by telephone before the VCAA letter is sent, the contact may meet the requirements of the mandated telephone call. 	I.1.B.3.k	1-B-15 to 16

Continued on next page

Transmittal Sheet, Continued

Changes Included in This Revision (continued)

Reason(s) for the Change	Citation	Page
<ul style="list-style-type: none"> To revise the instructions on when to request a medical examination or opinion in accordance with the language in 38 CFR 3.159(c)(4). To change “would not be competent” to “may not be competent” in the first <i>Note</i> in accordance with current VA case law. To note the low threshold for determining whether a claimed disability may be associated with service. To note that post-service treatment alone may serve as a link to an injury or event in service. To add reference citations for <i>McLendon v. Nicholson</i> and <i>Jandreau v. Nicholson</i>. 	I.1.C.7.b	1-C-14
<p>To clarify that a medical opinion should generally not be requested to determine whether a disability causes functional impairment, as this is the responsibility of the rating activity.</p> <p>Other Change: To clarify the second bulleted item in the Note.</p>	I.1.C.7.c	1-C-15
<p>To indicate that medical opinions should be requested in a neutral and unbiased manner.</p> <p>Other Change: To add a reference citation for <i>Douglas v. Shinseki</i>.</p>	I.1.C.7.e	1-C-16
To show that end product 173, not 174, should be established for control of a pre-decisional hearing.	I.2.C.11.b (Step 1)	2-C-10
To indicate that a pre-decisional hearing should be conducted by a Veterans Service Representative (VSR) or Rating Veterans Service Representative (RVSR) or a Decision Review Officer acting in the capacity of an RVSR.	I.2.C.11.b (Step 4)	2-C-11

Continued on next page

Transmittal Sheet, Continued

Changes Included in This Revision (continued)

Reason(s) for the Change	Citation	Page
To delete Block b, as this exception for claims pending at the time of the claimant's death no longer applies. Other Change: To re-letter Block c as Block b.	I.3.A.8.b	3-A-19
<ul style="list-style-type: none"> To delete the last sentence from the first paragraph, as it contained an inaccurate description of the veteran service organization (VSO) pre-promulgation review of completed rating decisions. To clarify that during their pre-promulgation review, VSOs should not pursue a disagreement with the rating decision. 	I.3.B.12.a	3-B-14
To update the name for the Kentucky Department of Veterans Affairs.	<ul style="list-style-type: none"> I.3.B.13.d I.3.B.13.e 	<ul style="list-style-type: none"> 3-B-19 3-B-21
<ul style="list-style-type: none"> To clarify VA's obligation under 38 CFR 3.103(c)(2) to explain issues and assist in developing evidence at a hearing. To add a reference citation for <i>Bryant v. Shinseki</i>. 	I.4.2.b	4-5
To note the use of <i>VA Form 21-0589, Authorization to Disclose a Record in the Presence of a Third Party</i> , at hearings.	I.4.4.a	4-9
To note that an appellant may elect the Decision Review Officer review process by telephone.	I.5.A.1.b	5-A-4
To remove the instructions related to Central Office's pre-promulgation review of extraordinary awards in accordance with <i>Military Order of the Purple Heart of the USA, and National Veterans Legal Services Program v. Secretary of Veterans Affairs (2008-7076)</i> and the September 2009 Veterans Service Center Manager Conference Call.	I.5.C.13.f	5-C-15

Continued on next page

Transmittal Sheet, Continued

Changes Included in This Revision (continued)

Reason(s) for the Change	Citation	Page
To clarify that when service connection is the issue under appeal, a grant of service connection, regardless of the evaluation, satisfies the appeal in full. Other Change: To add a reference citation for 38 CFR 3.2600.	I.5.C.15.c	5-C-20
To add a new Block c to provide procedures for handling an incomplete substantive appeal involving multiple issues. Note: The subsequent blocks in this topic are re-lettered.	I.5.E.22.c	5-E-6
To discuss how to handle the receipt of supplemental service treatment records (STRs) that are pertinent to an appeal pending before the Board of Veterans' Appeals (BVA). This change incorporates instructions from Fast Letter (FL) 08-37, <i>Unassociated Service Treatment Records (STRs) Received from the Records Management Center (RMC)</i> .	I.5.F.29.a	5-F-14
To clarify that regional offices do not have the authority to overturn a BVA decision on the basis of clear and unmistakable error.	I.5.G.33.a	5-G-2
To clarify the procedures for handling claims folders and implementing grants or partial grants of benefits after BVA renders its decision.	I.5.G.33.c	5-G-3
To note that the Veterans Service Center (VSC) should implement BVA's grant or partial grant of benefits in any favorable decision <i>before</i> initiating development of the remanded appeal.	I.5.G.34.d	5-G-6

Continued on next page

Transmittal Sheet, Continued

Changes Included in This Revision (continued)

Reason(s) for the Change	Citation	Page
To add a new block to discuss how to handle the receipt of supplemental STRs that are pertinent to an appeal pending before the U.S. Court of Appeals for Veterans Claims. This change incorporates instructions from FL 08-37.	I.5.J.48.f	5-J-5
To remove the reference to the WIPP User Plan, as it no longer exists.	I.5.K.51.e	5-K-4
To remove the inaccurate information in parentheses about automatic end product credit.	I.5.K.53.c	5-K-7
Non-Substantive Reference, Pagination, and Verbiage Changes		
<ul style="list-style-type: none"> • To capitalize the word “Veteran.” • To revise block labels for clarification. • To update obsolete terminology and form names and numbers. • To remove reference citations for rescinded M21-1 paragraphs. • To make minor changes in language for clarity. 	Throughout this revision	
To add reference citations for M21-1MR and M27-1 (TBD).	I.1.C.6.e	1-C-10
To correct the topic names and pagination.	Table of Contents and Overview	<ul style="list-style-type: none"> • 2-i • 2-C-1
To replace the obsolete <i>VA Form 119, Report of Contact</i> , with the new <i>VA Form 21-0820, Report of General Information</i> .	<ul style="list-style-type: none"> • I.4.1.c • I.5.C.14.d 	<ul style="list-style-type: none"> • 4-2 • 5-C-17
To reflect the new name for Topic 12, “Service Organization Review of Completed Rating Decisions.”	Overview and Topic 12 content	<ul style="list-style-type: none"> • 3-B-1 • 3-B-14 • 3-B-15
To change “proceed to Step 9” to “proceed to Step 8.”	I.5.A.1.b, Stage 7, first Note	5-A-7
To reflect the repagination of Topics 23 and 24.	I.5.E	<ul style="list-style-type: none"> • 5-ii • 5-E-1

Continued on next page

Transmittal Sheet, Continued

Changes Included in This Revision (continued)

Reason(s) for the Change	Citation	Page
To reflect the repagination of Topics 41 through 43.	Table of Contents and Overview	<ul style="list-style-type: none">• 5-i• 5-H-1

Rescissions None

Authority By Direction of the Under Secretary for Benefits

Signature

Thomas J. Murphy, Director
Compensation and Pension Service

Distribution RPC: 2068
FD: EX: ASO and AR (included in RPC 2068)

LOCAL REPRODUCTION AUTHORIZED
