

# CVSRA TRAINING CHAPTER 19

## Study Plan

### Fully Developed Claims (FDC) Program

#### Objective:

To understand that the FDC Program is unique in that it provides you notice of the information and evidence necessary to substantiate your claim at the time you apply for benefits so you can immediately understand what you need to give the VA and submit the evidence with your claim.

#### References:

- Title 38, U.S. Code, Section 5103.
- Veterans Benefits Manual 2013, 12.4.6, Fully Developed Claim Program.
- VA Fast Letter (FL) :
  - *12-25, November 8, 2012, Fully Developed Claim Program;*
  - *12-26, November 8, 2012, Procedures for Processing VONAPP Direct Connect Disability Claims;*
  - *13-17, August 2, 2013, Processing Fully Developed Original Claim from August 6, 2013 through August 5, 2013.*

#### Instructions:

Study the assigned reference materials to learn the definitions and requirements for establishing a FDC.

#### Summary:

### Fully Developed Claims (FDC) Program

#### 1. Background

The U.S. Department of Veterans Affairs (VA) designed the FDC Program to provide Veterans with quick and expeditious decisions. It does not impact quality of care or benefits and preserves appeal rights.

#### 2. How Does the FDC Program Work?

- FDC Program provides Veteran notice of the evidence necessary to substantiate their claims at the time of submission
- submit their claim on a specific form that contains language which satisfies the notice requirements of [38 U.S.C. 5103](#)

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- Veteran and/or claimants submits all private medical treatment records, identify any relevant treatment records at a Federal facility, and submit any additional forms or treatment records required under special circumstances that support their specific claim.

### 3. FDC Claim Types

- Any Compensation Claim including:
  - service connection (original, new, secondary, or reopened) for disabilities related to the following types of service:
    - active duty
    - active duty for training, or
    - inactive duty training
  - increased disability rating
  - individual unemployability (IU)
  - temporary total disability rating due to hospitalization, or surgical or other treatment
  - compensation under [38 U.S.C. 1151](#)
  - special monthly compensation (SMC) based on the
    - need for aid and attendance, or
    - status of being housebound
  - additional benefits for a spouse who needs aid and attendance
  - specially adapted housing or special home adaption
  - automobile allowance or adaptive equipment, and
  - additional compensation for a Veteran with a helpless/seriously disabled child.
- Any Live Pension Claim including:
  - Improved Pension
  - special monthly pension (SMP) based on the
    - need for aid and attendance, or
    - status of being housebound, and
  - additional Improved Pension benefits for a Veteran with a helpless/seriously disabled child.
- Accrued Benefits or Survivor's DIC.
  - accrued benefits
  - Dependency and Indemnity Compensation (DIC) for death related to the following types of service:
    - active duty
    - active duty for training, or
    - inactive duty training
  - DIC under [38 U.S.C. 1318](#)
  - DIC under [38 U.S.C. 1151](#)
  - death pension and parents' DIC

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- additional death benefits based on the need for aid and attendance, or status of being housebound, and
- benefits for a deceased Veteran's helpless/seriously disabled child.

### 4. Forms Claimants Must Use When Submitting an FDC

The lists below are the forms claimants **must** complete, sign, and return to VA in order to participate in the FDC Program. The EZ forms provide claimants with the notice [38 U.S.C. 5103](#) requires.

- *VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits* – for disability compensation claim
- *VA Form 21-527EZ, Application for Pension* – for non-service connected disability pension claim
- *VA Form 21-534EZ, Application for DIC, Death Pension, and /or Accrued Benefits* – for death benefits

Any EZ Form from February 2010 or before **will be excluded** from the FDC program. Only EZ Forms issued from August 2011 or after are acceptable

A Veteran who simultaneously claims entitlement to both compensation **and** pension under the FDC Program must submit both *VA Form 21-526EZ*, **and** *VA Form 21-527EZ*.

### 5. FDC Exclusions

- Claimants who do **not** want VA to process their claim under the FDC Program may also use the EZ form to apply for benefits. They notify VA of their choice by checking the box next to the statement near the end of each form that reads: *I DO NOT want my claim considered for rapid processing under the FDC Program because I plan to submit further evidence in support of my claim.*
- has a claim pending at the time VA receives the EZ form
- has an appeal pending at the time VA receives the EZ form **and** the claims folder is **not** located at the regional office (RO) of jurisdiction, or
- fails to *simultaneously* submit any of the additional items VA requires to process his/her specific claim, which are listed under the second FDC criterion on the first page of the EZ form, or
- any of the following are required to resolve the claim:
  - character-of-discharge determination, or
  - development for evidence from
    - the claimant
    - private medical care provider(s), or
    - Veteran's Reserve/Guard unit(s).
- Even though a claim may initially meet the criteria for processing under the FDC program, VA may later *exclude* the claim from the program if the claimant:

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- fails to report for a VA examination *and* asks VA to reschedule it (unless VA is *solely* at fault because it, for example, did not provide the examining facility with the claimant's correct mailing address), or
- submits another claim, additional evidence, or a notice of disagreement *after* submitting the FDC.
- Failure to submit VA Form 21-0781 or 21-0781a with PTSD claim if a Veteran does not have a conceded or verified stressor
- National Guard or Reserve records in the custody of the unit not submitted.
- Unclear claims requiring clarification.
- VA Form 21-4142 submitted with FDC
- FDC submitted on outdated EZ Form. Any EZ Form from February 2010 or before **will be excluded** from the FDC program.

### 6. Informal FDC

If Veterans need time to gather evidence to submit with the FDC and lock in an effective date with the informal FDC, submit the following statement:

“I intend to apply for compensation/pension under the FDC Program. This statement is to preserve my effective date for entitlement to benefits. I am in the process of assembling my claim package for submission.”

**Do not mention any specific disability.**

Submit the formal FDC claim within a year of the informal FDC claim and the effective date will be preserved from the date of the informal claim if the medical evidence is supportive.

### 7. FDC Special Incentive Program

The VA threw in a *limited time* incentive to encourage submission under the FDC Program. To be eligible for a possible retroactive effective date up to one year (*from the VA's receipt of the properly completed FDC Form*):

- Claim must be **received** between *August 6, 2013* and *August 5, 2015*
- Claim must be for compensation only
- Claim must be an *original* claim. That is an initial formal (complete) claim filed by the Veteran for Compensation.
- Informal (incomplete) claims are not eligible for additional retroactive effective date.
- Claim must be received on a VA Form 21-526 EZ 2013 Version or through eBenefits
- Evidence must support level of disability existed for the retroactive year
- All other normal criteria for a Fully Developed Claim **must be met** through the life of the claim

### 8. Disability Benefit Questionnaire (DBQ)

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The VA also implemented an initiative to provide Veterans more control over their disability claims process through the submission of a Disability Benefit Questionnaire (DBQ). Submitting a DBQ along with a FDC makes it ready for decision sooner. DBQs are:

- Downloadable forms created for Veterans' use in the evaluation process
- Provides Veterans the option of visiting a private health care provider instead of a VA facility
- Valuable as it provides medical information relevant to determining a disability rating evaluation (when properly completed)
- More than 70 DBQs are available for use

**Note:** DBQs are not available for TBI and for initial PTSD exam (when trying to get service connected for the first time).

### **Role of Veterans Service Organizations (VSO)**

The VA world is changing. The VA is receiving more claims for benefits than they have before, there are more claims having eight (8) and more issues, and there are now more disabilities that need special development protocols. *As Accredited Veterans Representatives*, we will be serving our veteran-clientele better if we properly explain the basics about VA benefits and the claims process – including options like the FDC Program and the use of DBQs.

Keep in mind, in today's VA, the more accurate and complete the information submitted (preferably at the time of application), the quicker the decision will be from the VA. Whether it is submitting an FDC or a regular claim, the fastest way to get a disability or pension claim processed is providing all the necessary evidence possible and making sure all necessary forms are properly completed.

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### Study Questions:

Using the assigned references and reading materials, answer the following questions:

1. The Fully Developed (FDC) is a voluntary program? (T/F)
  
2. When the FDC is filed, the Department of Veterans Affairs (VA) is able to expedite the claim which:
  - a. Benefits the veteran.
  - b. Decreases the amount of time the spent developing a claim.
  - c. Contributes to reduce the claims backlog.
  - d. All of the above.
  
3. The VA Fully Developed Claim was implemented nationwide in?
  - a. December 2008
  - b. June 2010
  - c. July2009
  - d. November 2012
  
4. What is the two year window effective date that allows up to one year retroactive awards of disability compensation?
  - a. August 6, 2013 – August 5, 2015
  - b. July 9, 2013 – July 8, 2015
  - c. January 26, 2012 – January 25, 2014
  - d. September 30,2013 – September 29, 2015
  - e. None of the above.
  
5. What are the three forms collectively known as the EZ forms? What services do they provide?
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_

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6. In addition to the FDC claim, claimants may use the EZ forms to submit traditional claims? (T/F)
  
7. How many Disability Benefits Questionnaires (DBQ) are currently available?
  - a. 98
  - b. 40
  - c. 70
  - d. 85
  
8. Which form(s) is used for survivor (dependency and indemnity compensation (DIC), death pension, and/or accrued) claims?
  - a. 21-526EZ
  - b. 21-526
  - c. 21-534EZ
  - d. 21-527EZ
  - e. All of the above.
  
9. The updated VA Forms 21-526EZ, 21-527EZ, and the new 21-534EZ are comprised of what two bound parts?
  - a. Disability
  - b. Notice
  - c. A and B
  - d. Application
  - e. B and D
  - f. A and D
  
10. Which Fast Letter explains the procedures for filing a FDC electronically?
  - a. FL 12-26
  - b. FL 10-22
  - c. FL12-25
  - d. FL 13-17