

Changes to the VA Form 21P-535, Application for Dependency and Indemnity Compensation by Parents (OMB 2900-0005), due to PL 117-168 (PACT Act)

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The Department of Veterans Affairs (VA), through its Veterans Benefits Administration (VBA), administers an integrated program of benefits and services, established by law, for veterans, service personnel, and their dependents and/or beneficiaries. 38 U.S.C. §§ 1121 and 1310 provide for payment of Dependency and Indemnity Compensation (DIC) or death compensation to parents of a Veteran whose death is service-connected. Parents must also meet income limitations to be eligible for benefits. 38 U.S.C. § 5121 provides for payment of accrued benefits.

VBA uses 21P-535 to collect the information necessary to determine a surviving parent's eligibility to Parents' DIC benefits. Without this information, determination of entitlement would not be possible.

PL 117-168 (PACT Act)

Public Law 117-168 (PACT ACT) was signed into law on August 10, 2022. The law allows prior claimants for DIC to elect a re-adjudication based on the expanded eligibility within the PACT Act.

Changes to the VA Form 21P-535

Section III has been added to the VA Form 21P-535 which explains the re-adjudication of a previously denied claim under PL 117-168 (PACT Act). VBA has added item 15 to page 4 to identify DIC claimants that are electing a re-adjudication based on the PACT Act. If the claimant chooses the "yes" for this option, VBA will quickly be able to identify these types of claims and route them appropriately for processing. This option to elect reevaluation of DIC based on the PACT Act does not change the expected processing time for claims processors as PACT Act considerations would be made without the selection and still require verification with the selection.

Conclusion

The addition of item 15 to elect a re-adjudication of a previously denied DIC claim based on the PACT Act will not change the respondent burden for the VA Form 21P-535. This option will provide prospective claimants with a streamlined method to specify the type of DIC claim they are submitting. Specifying the type of DIC will allow VA to properly identify and route the claim which will provide the claimant with a more timely and accurate decision on their claim. Since PL 117-168 was passed in August 2022, the addition of this option to the VA Form 21P-535 should be implemented as soon as possible to allow for the claimant to elect the re-adjudication of a previously denied DIC claim based on the PACT Act.