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bulletin

National Veterans Affairs and Rehabilitation Commission
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Timeliness Standard for Final Competency Determinations

Background

Current guidance states that at the end of the 65-day control period following the date of the due process notification, field stations are to take "immediate" action to finalize proposals of incompetency. (See M21-1MR, Part III, Subpart v, Chapter 9, Section B, Topic 6, Block a (M21-1MR III.v.9.B.6.a) and M21-1MR III.iv.8.A.3). In a recent audit, the Department of Veterans Affairs (VA) Office of Inspector General found the Veterans Benefits Administration could finalize competency determinations with more consistent timeliness.

Specific Timeliness Standards

Compensation Service has determined that regional offices (ROs) and centers must

- complete a final competency rating decision, and
- clear the corresponding 600 end product (EP)

in no more than 21 calendar days after expiration of the 60-day due process period (i.e., 60 days from the date of the due process

notification). This processing target ensures that EP 600s do not remain pending for an excessive period of time and allows beneficiaries to receive their full VA benefits more quickly.

Exception: If an RO or center receives a timely request for a pre-determination hearing, they should continue to follow the timeline guidance as provided in M21-1MR I.2.C.9.d, which indicates that the 60-day due process period may be extended 30-60 days for a hearing before making a final rating decision.

We will amend the M21-1MR accordingly.

Effective Date

The date of the release of this letter serves as the effective date of the change outlined above.

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