

Key Changes

**Changes
Included in
This Revision**

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

Notes:

- The term “regional office” (RO) also includes pension management center (PMC) and decision review operations center (DROC), where appropriate.
- Unless otherwise noted, the term “claims folder” refers to the official, numbered, Department of Veterans Affairs (VA) repository – whether paper or electronic – for all documentation relating to claims that a Veteran and/or his/her survivors file with VA.
- Minor editorial changes have also been made to
 - update/delete incorrect or obsolete references, and
 - bring the document into conformance with M21-1 standards.

Reason(s) for Notable Change	Citation
To remove information on the acceptability of a faxed signature and replace it with information on submission by VA claims submission service websites, as VA is discontinuing use of centralized claim and evidence intake via fax.	M21-1, Part I, Chapter 1, Section B, Topic 1, Block b (I.1.B.1.b)
To more broadly refer to use of VA claims submission service websites.	I.1.B.1.d

Authority By Direction of the Under Secretary for Benefits

Signature

Beth Murphy, Executive Director
Compensation Service

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Section B. Duty to Notify Under 38 U.S.C. 5102 and 5103

Overview

In This Section This section contains the topic “Notification Requirements for Complete Claims.”

1. Notification Requirements for Complete Claims

Introduction This topic contains information on providing notice under 38 U.S.C. 5103, including

- Department of Veterans Affairs' (VA's) duty to notify claimants of necessary information or evidence
 - reviewing for substantially complete applications
 - statement of income criteria
 - notification requirements for a complete application
 - cases that require issuance of a standard Section 5103 notice letter
 - notification requirements for
 - special issues
 - an incomplete application
 - an incomplete application based on exposure allegation
 - a request for application or an intent to file (ITF) a claim, and
 - claims that are inherently incredible or lack merit
 - responding to a request for an earlier effective date
 - exceptions to the notification requirement, and
 - Section 5103 notice requirements for subsequent claims.
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Change Date December 30, 2020

Deleted: February 19, 2019

a. VA's Duty to Notify Claimants of Necessary Information or Evidence The Department of Veterans Affairs (VA) shall provide to the claimant, by the most effective means available, a notice (hereafter referred to as 'Section 5103 notice') of any information and medical or lay evidence not previously provided that is necessary to substantiate the claim.

Important: VA has historically provided claimants the required Section 5103 notice in a paper-based letter *after* receipt of a substantially complete application for benefits. However, *Public Law 112-154, Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012*, enacted on August 6, 2012, amended [38 U.S.C. 5103](#) to afford VA more flexibility in how and when VA delivers the notice.

Reference: For more information on VA's duty to notify, see

- [38 CFR 3.159\(b\)](#), and
 - [38 U.S.C. 5103](#).
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b. Reviewing for Substantially Complete Applications Upon receipt of an application for benefits, VA must determine if it is substantially complete as defined in [38 CFR 3.159\(a\)\(3\)](#). Refer to the table below to determine the appropriate action(s) to take based on whether a claim is substantially complete.

If a claim is ...	Then ...
at least substantially complete	VA is required to send a Section 5103 notice.
incomplete	<ul style="list-style-type: none"> • VA is obligated under 38 U.S.C. 5102 to notify the applicant of the information and proper forms necessary to substantiate the claim, but • VA is not required to send a Section 5103 notice.

Notes:

- A photocopied signature, including a signature on a document submitted through a VA claims submission service website, is acceptable for VA claims purposes.
- The successful submission of an electronic application satisfies the signature requirement.
- Beginning March 24, 2015, all claims governed by VA's adjudication regulations must be filed on standard forms prescribed by the Secretary, regardless of the type of claim or posture in which the claim arises. Statements received without a prescribed form will be considered a request for application, if received on or after March 24, 2015.
- A claim for an increased evaluation of a service-connected disability based on a statement from the claimant that the disability has worsened constitutes a substantially complete application, if received prior to March 24, 2015.

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References: For more information on

- the definition of a substantially complete application, see M21-1, Part I, 1.A.4.f
- notification requirements for
 - an incomplete application, see
 - M21-1, Part I, 1.B.1.g, and
 - [38 U.S.C. 5102](#), and
 - a complete application, see M21-1, Part I, 1.B.1.d
- signature requirements, see M21-1, Part III, Subpart ii, 1.C.2
- other individuals authorized to sign claims for incompetent, underage, or physically incapacitated claimants see M21-1, Part III, Subpart ii, 1.C.3
- statement of income criteria for substantially complete pension claims, see M21-1, Part I, 1.B.1.c
- assertions of exposure without a claim for service connection (SC) for an underlying disability, see M21-1, Part I, 1.B.1.h
- prescribed forms for claims, see M21-1, Part III, Subpart ii, 2.B.1.a and b
- requests for application, see M21-1, Part III, Subpart ii, 2.C.6, and
- definitions of
 - substantially complete application, see [38 CFR 3.159\(a\)\(3\)](#)
 - information for VA purposes, see [38 CFR 3.159\(a\)\(5\)](#), and
 - a complete claim, see [38 CFR 3.160\(a\)](#).

c. Statement of Income Criteria A statement of income is required for all pension claims. To satisfy this requirement, at least one entry in the income section of the form is required.

If no statement of income is provided, contact the claimant by telephone, documenting the call on a *VA Form 27-0820, Report of General Information*, to obtain a statement of income. If no statement is obtained, return the application as incomplete in accordance with M21-1, Part I, **1.B.1.g.**

If a statement of income is provided and the claim is at least substantially complete, the claim is accepted and processed. At this point, the claim may be

- granted, if warranted,
- denied under [38 CFR 3.159\(d\)](#), or
- developed.

Exceptions:

- Some survivor claims may need development when no income and/or net worth information is provided. *VA Form 21P-534, Application for Dependency And Indemnity Compensation, Survivors Pension, and Accrued Benefits by a Surviving Spouse or Child (Including Death Compensation if Applicable)*, and *VA Form 21P-534EZ, Application for DIC, Survivors Pension, and/or Accrued Benefits*, are claims for Dependency and Indemnity Compensation (DIC), pension, and accrued benefits. The income and net worth sections of these forms do not always need to be complete for the application to be considered substantially complete.
- In pension, claimants are required to report dependents and dependents' income and net worth. If a dependent is claimed and no income and/or net worth information is provided for the dependent, develop for the dependent's income and net worth information.

References: For more information on

- development for income and/or net worth information on a survivors benefit application, see M21-1, Part IV, Subpart iii, 1.B.1.c
- development for specific types of income, see M21-1, Part V, Subpart i, 3.B.3.a, and
- development for dependents and their income and net worth when processing claims for pension, see M21-1, Part III, Subpart iii, 5.A.1.g.

d. Notification Requirements for a Complete Application

Regional offices (ROs) must ensure that all claimants receive the required notification regarding the information and evidence that is necessary to substantiate their claims. This statutory obligation, based on [38 U.S.C. 5103](#), is met when the notice is provided to claimants

- on a standard EZ application form when filing
 - a claim through the Fully Developed Claim (FDC) Program, or
 - a claim through the standard claims process

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- through online claims submission via **VA claims submission service websites**
- when an automated Section 5103 notice is generated during the establishment of the end product (EP), via the
 - Veterans Benefits Management System, or
 - Letter Creator, or
- when, on *VA Form 20-0995, Decision Review Request: Supplemental Claim*, the claimant certifies receipt of notice under Section 5103 via electronic review.

In rare instances, ROs may still need to send claimants the traditional Section 5103 notice letter but *only* when one of the above methods was not utilized in the filing of the claim.

Important:

- If the Section 5103 notice has been provided to the claimant but there is additional information needed from claimants to support their claim, (e.g., specific exposure information), then ROs are obligated to notify claimants of this required information. In such cases, **do not** include redundant Section 5103 notice information in the letter to claimants.
- Non-original claims signed and submitted by a power of attorney only, using means other than **the Stakeholder Enterprise Portal (SEP)** for submission, require sending the claimant an automated Section 5103 notice at the time of establishment of the EP.
- For Section 5103 notices created in Modern Award Processing-Development, remove the “*What Have We Received*” paragraph.
- Pension and burial applications electronically submitted on-line via www.Vets.gov (Vets.gov) will not include FDC information, *What The Evidence Must Show* or application instructions in the electronic claims folder. Claimants are provided this information when they submit the application using Vets.gov.

Notes:

- Do not include the claimed conditions (contentions) in the Section 5103 notice letter.
- Because the law permits a generic Section 5103 notice, it is not required that ROs include diagnostic criteria for a specific disability in the notice even if the claimant asserts entitlement to a specific evaluation level. See *Wilson v. Mansfield*, 506 F.3d 1055, 1062 (Fed. Cir. 2007).
- To document VA’s compliance with [38 U.S.C. 5103](#), ensure a copy of any Section 5103 notice, along with enclosures, is included in the claims folder. Do not include copies of any forms requested to be returned.

References: For more information on

- the notice VA provides to claimants in
 - *VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits*, see M21-1, Part III, Subpart i, 3.A.2.d,
 - *VA Form 21P-527EZ, Application for Veterans Pension*, see M21-1, Part

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- III, Subpart i, 3.A.2.e, and
 - VA Form 21P-534EZ, see M21-1, Part III, Subpart i, 3.A.2f,
- VA’s notification requirements, see
 - 38 U.S.C. 5103, and
 - 38 CFR 3.159(b)(1)
- the background of Section 5103 notice, see M21-1, Part I, 1.A.1
- exceptions to the notification requirements, see M21-1, Part I, 1.B.1.l
- notification requirements for subsequent claims received while a prior claim is pending, see M21-1, Part I, 1.B.1.m
- notification requirements for special issues, see M21-1, Part I, 1.B.1.f
- FDCs requiring special issue development, see M21-1, Part III, Subpart i, 3.B.3.d, and
- electronic Section 5103 notice for claims submitted in SEP, see M21-1, Part III, Subpart i, 4.B.2.i.

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e. Cases That Require Issuance of a Standard Section 5103 Notice Letter

In rare instances when the claimant *is not* provided the required Section 5103 notice, through the methods illustrated in M21-1, Part I, 1.B.1.d, it may be necessary to send the claimant a standard Section 5103 notice letter.

Example: When rating a claim pending for 15 months, the decision maker discovers a claimed issue that was received on a non-EZ form over one year after the initial Section 5103 notice was provided. No action has been taken on this issue.

Analysis: In this case, since the claimed issue was not previously covered by a prior Section 5103 notice, a standard Section 5103 notice letter must be provided to the claimant.

See below table for the required elements and actions to take when issuing a claimant a standard Section 5103 notice letter.

Required Element	Action
What the evidence must show (WTEMS) to substantiate the claim	Provide the following WTEMS, when a claim for direct or increased SC is sought <ul style="list-style-type: none"> • <i>original service connection</i> (also referred to as the <i>continuity</i> WTEMS), • <i>secondary service connection</i> (which includes information regarding <i>aggravation</i>), and • the <i>increased rating</i> attachments.
Information the claimant is responsible for submitting to VA	Request the claimant to <ul style="list-style-type: none"> • identify any records he/she believes are relevant to the claim, and • complete VA Form 21-4142, <i>Authorization to Disclose Information to the Department of Veterans Affairs (VA)</i>,

	and VA Form 21-4142a, General Release for Medical Provider Information to the Department of Veterans Affairs (VA), where appropriate. This will allow VA to request private medical records on the claimant's behalf.
Time limit for submission of evidence	Inform the claimant that <ul style="list-style-type: none"> • if he/she does not respond to the request for information within 30 days of the date of the request, VA may decide the claim based on all the information and evidence of record, and • he/she has one year from the date of the request to submit any evidence or information to substantiate the claim.
Evidence VA will attempt to obtain on the claimant's behalf	Inform the claimant of the evidence VA is requesting, such as <ul style="list-style-type: none"> • service treatment records (STRs), • private records (when VA Forms 21-4142 and 21-4142a are received and complete), and • medical examination requests.
Section 5103 notice response form	Inform the claimant that he/she may <ul style="list-style-type: none"> • notify VA that he/she has no further information or evidence to submit, and • request that VA decide the claim based on all the information and evidence of record.

f. Notification Requirements for Special Issues

In some special issue or special circumstance claims, the standard 5103 notice letter does not inform the claimant that additional information or evidence is necessary to develop and adjudicate the claim. In these situations, send a subsequent development letter to the claimant soliciting the information needed. Do not send the development letter if the evidence of record

- provides the information the subsequent development letter solicits, or
- is otherwise sufficient to decide the claim.

Example: A Veteran claiming SC for hepatitis C submits medical records that address risk factors for the disease. Do not send a letter soliciting hepatitis C risk factors as this information is addressed in the evidence of record.

Refer to the table below to determine whether a special issue or special circumstance claim requires additional notice under Section 5103.

If the claimed issue is associated with or involves ...	Then ...
asbestos exposure	send additional notice as directed at M21-1, Part IV, Subpart ii, 1.I.3.c.

Camp Lejeune contaminated water	send additional notice as directed at M21-1, Part IV, Subpart ii, 1.I.6.j.
Chemical Biological Radiological Nuclear and Explosives (CBRNE) claims	send additional notice as directed at M21-1, Part IV, Subpart ii, 1.I.8.d and g.
entitlement to compensation under 38 U.S.C. 1151	no additional notice is necessary. Reference: For more information on development of claims for compensation under 38 U.S.C. 1151 , see M21-1, Part IV, Subpart ii, 1.A.
environmental hazards (not covered under 38 CFR 3.317)	send additional notice to request general information about the exposure event, as directed at M21-1, Part IV, Subpart ii, 1.I.5.d.
fire-related STRs	send additional notice as directed at M21-1, Part III, Subpart iii, 2.E.1.b.
hepatitis requiring risk factor development	send additional notice as directed at M21-1, Part III, Subpart iv, 4.H.2.f.
herbicide exposure	send additional notice as directed at M21-1, Part IV, Subpart ii, 1.H.v.
military sexual trauma	send additional notice as directed at M21-1, Part IV, Subpart ii, 1.D.2.i and 5.
military treatment facility records related to a sensitive diagnosis	send additional notice as directed at M21-1, Part III, Subpart iii, 1.C.3.c.
mustard gas or Lewisite exposure	send additional notice as directed at M21-1, Part IV, Subpart ii, 1.F.3.b.
former prisoner of war (FPOW) status	send additional notice to develop for <ul style="list-style-type: none"> evidence surrounding internment, and/or witness information for the claimed in-service injury or disease. Reference: For more information on development of claims based on FPOW status, see M21-1, Part IV, Subpart ii, 1.G.1.
radiation exposure under 38 CFR 3.309(d)	no additional notice is necessary. Reference: For more information on development of claims based on radiation exposure under 38 CFR 3.309(d) , see M21-1, Part IV, Subpart ii, 1.B.
radiation exposure (ionizing) under	send additional notice developing

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38 CFR 3.311	<p>for evidence of</p> <ul style="list-style-type: none"> radiation exposure with the radiation risk activity questionnaire, and a radiogenic disease. <p>Reference: For more information on development of claims based on ionizing radiation exposure under 38 CFR 3.311, see M21-1, Part IV, Subpart ii, 1.C.2.</p>
<ul style="list-style-type: none"> legacy reopened claims, or supplemental claims received more than one year after the prior decision 	<p>no additional notice is required.</p> <p>Note: Supplemental claims received within one year of the last decision do not require notice under Section 5103, as discussed in M21-1, Part I, 1.B.1.1.</p> <p>Reference: For more information on supplemental claims, see M21-1, Part III, Subpart ii, 2.D.</p>
Shipboard Hazards and Defense (SHAD) project exposure	<p>no additional notice is necessary.</p> <p>Reference: For more information on development of claims based on SHAD project exposure, see M21-1, Part IV, Subpart ii, 1.I.7.</p>
special operations participation	<p>send additional notice as directed at M21-1, Part IV, Subpart ii, 1.I.5.b.</p>
Southwest Asia service (qualifying disability under 38 CFR 3.317)	<p>no additional notice is necessary.</p> <p>Reference: For more information on development of claims for qualifying disabilities associated with service in Southwest Asia, see M21-1, Part IV, Subpart ii, 1.E.</p>
Vet Center records	<p>send additional notice as directed at M21-1, Part III, Subpart iii, 1.C.2.h.</p>

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development of claims to reopen, see M21-1, Part III, Subpart ii, 2.D.2.d, and¶

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Note: Homeless Veterans' claims do not require additional Section 5103 notice but do require special handling as directed at M21-1, Part III, Subpart ii, 1.D.2.

Reference: For more information on the impact of special issue and/or special circumstance development on FDCs, see M21-1, Part III, Subpart i, 3.B.3.d.

g. Notification Requirements for an Incomplete Application

When an incomplete application is received, notify the claimant that a complete application is necessary. Follow the steps in the table below to notify the claimant of the information necessary to complete the claim.

Step	Action
1	Whenever possible, contact the claimant first by telephone to obtain the information needed to complete the application.
2	If the information necessary to complete the application cannot be obtained by telephone <ul style="list-style-type: none"> • establish an EP 400 to control the correspondence, or • change the erroneously established EP to an EP 400 <ul style="list-style-type: none"> – with an <i>Incomplete Application</i> claim label, and – use the date the application was received as the control date.
3	Cancel any other erroneously established EP associated with the incomplete claim.
4	Notate the incomplete application in the claims folder by changing the document's subject to <i>Incomplete Application</i> .
5	<ul style="list-style-type: none"> • Prepare the <i>Incomplete Application</i> letter included in the Letter Creator tool or equivalent letter from Personal Computer Generated Letters (PCGL). The notice must include <ul style="list-style-type: none"> – the information VA needs to consider the application complete, including the specific section(s) and question number(s) that require completion – a statement that failure to submit a substantially complete application within the required time period will result in no benefit being paid or furnished by reason of that application, and – notice that the claimant has <ul style="list-style-type: none"> ▪ 60 days to submit a substantially complete supplemental claim or request for higher-level review (HLR), or ▪ one year to submit a substantially complete claim for other types of claims. • Add the letter to the claims folder.
6	Use Package Manager to submit the <i>Incomplete Application</i> letter and incomplete application for printing and mailing to the claimant, and claimant's representative (if any) through Centralized Benefits Communications Management (CBCM).
7	Clear the EP 400.

Notes:

- If a complete claim is submitted within the required time period from the date of receipt of an incomplete application,
 - consider the complete application filed as of the date the incomplete application form was received, but

- use the date of receipt of the complete claim as the date of claim.
- If review of an incomplete application reveals that additional evidence exists that could be relevant to the corresponding claim, simultaneously ask the claimant to provide both the additional evidence *and* the information that is missing from the application.

References: For more information, **on**

- creating packages using Package Manager for centralized printing and distribution through CBCM, see [Veterans Benefits Administration Learning Catalog – “Centralized Benefits Communications Management \(CBCM\) Phase One - Centralized Printing \(4415957\)”](#)
- the criteria for a substantially complete application, see
 - [38 CFR 3.159\(a\)\(3\)](#), and
 - M21-1, Part I, 1.B.1.b
- handling incomplete applications, see
 - [38 U.S.C. 5102\(b\) and \(c\)](#), and
 - [38 CFR 3.159\(b\)\(2\)](#)
- handling incomplete applications based on allegations of exposure only, see M21-1, Part I, 1.B.1.h
- claimant requirements for submitting information in pension claims, see M21-1, Part V, Subpart i, 3.B.4.a
- claims development by e-mail, and telephone, see
 - M21-1, Part III, Subpart iii, 1.B.1.d, and
 - M27-1, Part I, 5.8 and 5.9, and
- use of the [Letter Creator](#) tool, see the [Letter Creator User Guide](#).

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h. Notification Requirements for an Incomplete Application Based on Exposure Allegation

An allegation of exposure to a potentially hazardous substance during service without an associated claim for SC for a specific disability resulting from the exposure is not a substantially complete claim. In these cases, follow the procedures in M21-1, Part I, 1.B.1.g. In the notification letter, also

- inform the Veteran that exposure, in and of itself, is not a disability, and
- ask the Veteran to identify the disability(ies) that resulted from exposure to radiation during service.

Important: Do not

- process the claim as a denial, or
- establish EP control for the incomplete claim unless there are other complete claims also submitted.

References: For more information on handling claims for disability arising from exposure to

- radiation, see M21-1, Part IV, Subpart ii, 1.B and C
- environmental hazards during service in Southwest Asia, see M21-1, Part IV, Subpart ii, 1.E
- mustard gas or lewisite, see M21-1, Part IV, Subpart ii, 1.F
- herbicides, see M21-1, Part IV, Subpart ii, 1.H

- asbestos, see M21-1, Part IV, Subpart ii, 1.I.3, and
 - other hazards, see M21-1, Part IV, Subpart ii, 1.I.
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i. Notification Requirements for a Request for Application or an ITF

Effective March 24, 2015, VA requires all claims to be filed on a standard form. Therefore, ROs shall provide the prescribed application forms to the claimant when he or she

- submits a request for application or desire for benefits either in writing or through electronic communications that is not on the required standard claim form
- submits a *VA Form 21-0996, Intent To File A Claim For Compensation and/or Pension, or Survivors Pension and/or DIC*, or
- calls a National Call Center indicating an intent to file (ITF) a claim.

Note: After the ITF has been entered into the corporate data base, a one-time correspondence is automatically generated and sent to the claimant the following day.

References: For more information on

- furnishing applications to claimants, see M21-1, Part III, Subpart ii, 2.B.2.g
 - handling an ITF, see M21-1, Part III, Subpart ii, 2.C.2
 - reviewing application completeness and handling variances, see M21-1, Part III, Subpart ii, 2.B.2, and
 - the letter generated by Hines acknowledging receipt of a communication of an ITF that includes all required elements, see M21-1, Part III, Subpart ii, 2.C.2.m.
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j. Notification Requirements for Claims That Are Inherently Incredible or Lack Merit

Upon identification of a compensation claim that is inherently incredible or clearly lacks merit

- ensure the claimant received a Section 5103 notice, and
- defer assistance, including scheduling an examination, until that evidence is received.

If the evidence requested is not received within 30 days, decide the claim based upon all available evidence.

Note: No notice is required beyond the Section 5103 notice for claims that are inherently incredible or clearly lack merit.

Reference: For the definition of claims that are inherently incredible or lack merit, see M21-1, Part I, 1.A.4.c.

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k. Responding to a Request for an Earlier Effective Date

Because VA has no authority to adjudicate a request for an earlier effective date based on a claim that is finally adjudicated under [38 CFR 3.160\(d\)](#), ROs are not required to send a Section 5103 notice in these cases. If the claimant requests a revision of the effective date of a prior decision based on a clear and unmistakable error (CUE), and he/she specifies the factual or legal error in the previous claim, then the case is to be referred to the rating activity for review.

If a request for an earlier effective date of a prior claim is received and it is not based on a CUE, which specifies the factual error, then send the claimant the *Earlier Effective Date Letter* from the [Letter Creator](#) tool or equivalent language in PCGL.

Note: If the only issue on the claim is the request for an earlier effective date, change the EP to a 400 and do not control for receipt of a response. (Clear the EP 400.)

References: For more information on

- revising decisions based on CUE, see
 - [38 CFR 3.105\(a\)](#), and
 - M21-1, Part III, Subpart iv, 2.B.4
 - processing requests for an earlier effective date, see M21-1, Part III, Subpart iv, 5.C. and
 - use of the [Letter Creator](#) tool, see the [Letter Creator User Guide](#).
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l. Exceptions to the Notification Requirement

It is unnecessary to provide a claimant Section 5103 notice

- upon receipt of a supplemental claim within one year of the date VA issues notice of a prior decision
- upon receipt of a request for HLR under [38 CFR 3.2601](#), or
- where the evidence of record (to include VA medical center records available electronically) is sufficient to substantiate a claim and award the maximum benefit sought without undertaking development for additional evidence.

Note: Consider the factors below when determining whether the need to send Section 5103 notice has been eliminated based on the ability to grant the maximum benefit sought.

- Provide a Section 5103 notice if *any* development is necessary (including a request for an examination).
 - Per [38 U.S.C. 5103A\(b\)\(3\)\(B\)](#), the term “maximum benefit” means the highest evaluation assignable in accordance with the evidence of record, as long as such evidence is
 - adequate for rating purposes, and
 - sufficient to grant the earliest possible effective date.
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m. Section 5103 Notice Requirements for Subsequent Claims

In accordance with [38 U.S.C. 5103\(b\)\(4\)](#), ROs are not required in certain cases to send a Section 5103 notice for a subsequent claim that is filed while a previous claim is pending.

The table below contains notification requirements when the claimant submits a subsequent claim while a previous claim is still pending.

If the previous notice...	Then ...
sufficiently identified the information and evidence necessary to substantiate such subsequent claim(s)	<p>a new Section 5103 notice is <i>not</i> required.</p> <p>Exception: Send a Section 5103 notice if over one year has passed since the notice was sent <i>and a subsequent claim(s) is received.</i></p>
did not include the information and evidence necessary to substantiate the current claim type	<ul style="list-style-type: none"> • send a Section 5103 notice that specifically addresses the new claim type, and • provide the following statement in the notice: <p><i>We are continuing to work on your previous claim(s) and have received your additional claim(s). Our previous letter(s) provided you with sufficient information regarding the evidence needed to support your claim, as well as what VA will do.</i></p>

Important:

- In the context of [38 U.S.C. 5103\(b\)\(4\)](#), ‘pending’ claims also include claims that are not finally adjudicated under [38 CFR 3.160\(d\)](#).
- When notice is provided concurrent with a claim, such as on *VA Form 21-526EZ*, consider the notice received by the claimant on the date the claim is received by VA.