

CHAPTER 3

STUDY PLAN

HOW TO USE TITLE 38, U.S. CODE (U.S.C.), 38 CODE OF FEDERAL REGULATIONS (C.F.R.), AND OTHER SOURCES OF VA LAW

OBJECTIVE

To learn how to use and reference federal statutes, regulations, and other relevant sources of law regarding veterans benefits.

REFERENCES

- Title 38, U.S. Code
- 38 Code of Federal Regulations
- VA Fast Letters
- VA Procedures Live Manual M21-1MR, Manual M21-1
- Office of General Counsel Opinions
- Court of Appeals for Veterans Claims decisions
- Court of Appeals for the Federal Circuit decisions
- Veterans Benefits Manual, § 17.16

SOURCES OF LAW

STATUTES

Title 38 of the United States Code (U.S.C.) relates to veterans benefits law exclusively. Statutes are laws passed by Congress and signed into law by the President to govern the Department of Veterans Affairs (VA). The Legal Information Institute website, www.law.cornell.edu, is a good place to locate statutes.

REGULATIONS

Title 38 of the Code of Federal Regulations (C.F.R.) contains the rules and regulations of the VA. Regulations are enacted by administrative agencies such as VA to provide more detailed guidance on day-to-day operations than Congress can provide. To enact regulations, federal agencies are required to publish proposed rules, take comments from the public, and respond to the public's comments. Agencies are not required to make changes to proposed rules based on the public's comments, however. Once a regulation is enacted, it has all the force of law.

38 C.F.R. Part 3, *Adjudication*, and 38 C.F.R. Part 4, *Schedule for Rating Disabilities*, represent a core component of the C.F.R. that is utilized on a daily basis as a Veterans Service Representative (VSR).

The U.S. Government Publishing Office now maintains an electronic Code of Federal Regulations, you may check this out at www.ecfr.gov.

LIVE MANUAL M21-1MR AND M21-1

These manuals contain the rules and procedures that the VAROs must follow in developing and deciding claims. When the VA fails to follow these rules in a given case, the veteran has a solid basis for appeal; however, the manuals are neither statutory nor regulatory, so they do not carry the force of law. The Manual M21-1MR can be found at www.benefits.va.gov/warms/M21_1MR1.asp and the M21-1 can be found at www.benefits.va.gov/warms/M21_1.asp.

OFFICE OF GENERAL COUNSEL (OGC) OPINIONS

OGC Opinions are written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation, Court decision, or a superseding written legal opinion of the General Counsel. VA provides these opinions in order to give the public notice of those interpretations of the General Counsel that must be followed in future benefit matters and to assist veterans' benefit claimants and their

representatives in the prosecution of benefit claim. They are available online at www.va.gov/ogc/precedentopinions.asp.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS (CAVC) DECISIONS

The United States Court of Appeals for Veterans Claims is a national court of record, established under Article I of the Constitution of the United States. The Court has exclusive jurisdiction to provide judicial review of final decisions by the Board of Veterans' Appeals, an entity within the Department of Veterans Affairs. CAVC cases can be searched at www.uscourts.cavc.gov. Veterans may appeal decisions of CAVC to the Court of Appeals for the Federal Circuit. Like CAVC, the Circuit Court issues both precedential and non-precedential decisions.



FAST LETTERS AND TRAINING LETTERS

VA publishes Fast Letters and Training Letters to provide guidance to rating adjudicators. They often advise raters of changes in procedures, and can be a good way for VSRs to keep abreast of changes. Fast Letters and Training Letters may be found on the VA Stakeholder Enterprise Portal (SEP), or at www.vfwilserviceoffice.com.

TITLE 38 UNITED STATES CODE – VETERANS’ BENEFITS

Part I – General Provisions (§§ 101 – 905)

Part II – General Benefits (§§ 1101 – 2413)

Part III – Readjustment and Related Benefits (§§ 3001 – 4335)

Part IV – General Administrative Provisions (§§ 5100 – 6308)

Part V – Boards, Administrations, and Services (§§ 7101 – 7907)

Part VI – Acquisition and Disposition of Property (§§ 8101 – 8528)

PART I – GENERAL PROVISIONS

- Chapter 1 – General (§§ 101 – 118)
- Chapter 3 – Department of Veterans Affairs (§§ 301 – 322)
- Chapter 5 – Authority and Duties of the Secretary (§§ 501 – 546)
- Chapter 7 – Employees (§§ 701 – 712)
- Chapter 9 – Security and Law Enforcement Under the Jurisdiction of the Department (§§ 901 – 905)

PART II – GENERAL BENEFITS

- Chapter 11 – Compensation for Service-Connected Disability or Death (§§1101 – 1163)
- Chapter 13 – Dependency and Indemnity Compensation for Service-Connected Deaths (§§ 1301 – 1323)
- Chapter 15 – Pension for Non-Service Connected Disability or Death or for Service (§§ 1501 – 1562)
- Chapter 17 – Hospital, Nursing Home, Domiciliary, and Medical Care (§§ 1701 – 1786)
- Chapter 18 – Benefits for Children of Vietnam Veterans and Certain Other Veterans (§§ 1801 – 1834)
- Chapter 19 – Insurance (§§ 1901 – 1988)
- Chapter 20 – Benefits for Homeless Veterans (§§ 2001 – 2066)
- Chapter 21 – Specially Adapted Housing for Disabled Veterans (§§ 2101 – 2108)
- Chapter 23 – Burial Benefits (§§ 2301 – 2308)
- Chapter 24 – National Cemeteries and Memorials (§§ 2400 – 3000)

PART III – READJUSTMENT AND RELATED BENEFITS

- Chapter 30 – All-Volunteer Force Educational Assistance Program (§§ 3001 – 3036)
- Chapter 31 – Training and Rehabilitation for Veterans with Service-Connected Disabilities (§§ 3100 – 3122)
- Chapter 32 – Post-Vietnam Era Veterans Educational Assistance (§§ 3201 – 3243)
- Chapter 33 – Post-9/11 Educational Assistance (§§ 3301 – 3324)
- Chapter 34 – Veterans’ Educational Assistance (§§ 3451 – 3498)
- Chapter 35 – Survivors’ and Dependents’ Educational Assistance (§§ 3500 – 3568)

- Chapter 36 – Administration of Educational Benefits (§§ 3670 – 3699)
- Chapter 37 – Housing and Small Business Loans (§§ 3701 – 3775)
- Chapter 39 – Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces (§§ 3901 – 3905)
- Chapter 41 – Job Counseling, Training, and Placement Service for Veterans (§§ 4100 – 4168)
- Chapter 42 – Employment and Training of Veterans (§§ 4201 – 4215)
- Chapter 43 – Employment and Reemployment Rights of Members of the Uniformed Services (§§ 4301 – 5096)

PART IV – GENERAL ADMINISTRATIVE PROVISIONS

- Chapter 51 – Claims, Effective Dates, and Payments (§§ 5100 – 5128)
- Chapter 53 – Special Provisions Relating to Benefits (§§ 5301 – 5319)
- Chapter 55 – Minors, Incompetents, and Other Wards (§§ 5501 – 5510)
- Chapter 57 – Records and Investigations (§§ 5701 – 5728)
- Chapter 59 – Agents and Attorneys (§§ 5901 – 5905)
- Chapter 61 – Penal and Forfeiture Provisions (§§ 6101 – 6108)
- Chapter 63 – Outreach Activities (§§ 6301 – 6308)

PART V – BOARDS, ADMINISTRATIONS, AND SERVICES

- Chapter 71 – Board of Veterans Appeals (§§ 7101 – 7112)
- Chapter 72 – United States Court of Appeals for Veterans Claims (§§ 7251 – 7299)
- Chapter 73 – Veterans Health Administration – Organization and Functions (§§ 7301 – 7368)
- Chapter 77 – Veterans Benefits Administration (§§ 7701 – 7734)

38 CODE OF FEDERAL REGULATIONS, TITLE 38 – PENSIONS, BONUSES AND VETERANS’ RELIEF

CHAPTER I – DEPARTMENT OF VETERANS AFFAIRS

- Part 0 – Values, Standards of Ethical Conduct, and Related Responsibilities
- Part 1 – General Provisions
- Part 2 – Delegations of Authority
- Part 3 – Adjudication
- Part 4 – Schedule for Rating Disabilities
- Part 6 – United States Government Life Insurance
- Part 7 – Soldiers’ and Sailors’ Civil Relief
- Part 8 – National Service Life Insurance
- Part 8a – Veteran’s Mortgage Life Insurance
- Part 9 – Servicemembers’ Group Life Insurance and Veterans’ Group Life Insurance

- Part 10 – Adjusted Compensation
- Part 12 – Disposition of Veteran’s Personal Funds and Effects
- Part 13 – Veterans Benefits Administration, Fiduciary Activities
- Part 14 – Legal Services, General Counsel, and Miscellaneous Claims
- Part 15 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Veterans Affairs
- Part 19 – Board of Veterans’ Appeals: Appeals Regulations
- Part 20 – Board of Veterans’ Appeals: Rules of Practice
- Part 21 – Vocational Rehabilitation and Education
- Part 23
- Part 36 – Loan Guaranty
- Part 38 – National Cemeteries of the Department of Veterans Affairs
- Part 39 – Aid to States for Establishment, Expansion, and Improvement of Veterans’ Cemeteries (Effective until 7-16-10)
- Part 40 – Intergovernmental Review of Department of Veterans Affairs Program and Activities
- Part 41 – Audits of States, Local Governments, and Non-Profit Organizations
- Part 42 – Standards Implementing the Program Fraud Civil Remedies Act
- Part 43 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- Part 45 –
- Part 47 – Policy Regarding Reporting Healthcare Professional to State Licensing Boards
- Part 48 – Government-wide Requirements for Drug-Free Workplace (Financial Assistance)
- Part 49 – Uniform Administrative Requirements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations
- Part 51 – Per Diem for Nursing Home Care of Veterans in State Homes
- Part 52 – Per Diem for Adult Day Healthcare of Veterans in State Homes
- Part 53 – Payments to States for Program to Promote the Hiring and Retention of Nurses at State Veterans Homes
- Part 59 – Grants to States for Construction or Acquisition of State Homes
- Part 60 – Fisher Houses and Other Temporary Lodging
- Part 61 – VA Homeless Providers Grant and Per Diem Program
- Part 62 – Supportive Services for Veteran Families Program
- Part 63 – Healthcare for Homeless Veterans (Hchv) Program
- Part 64 – Grants for the Rural Veterans Coordination Pilot (Rvcv)
- Part 70 – VHA Beneficiary Travel Under 38 U.S.C. 111
- Part 71 – Caregivers Benefits and Certain Medical Benefits Offered to Family Members of Veterans
- Part 74 – Veterans Small Business Regulations

- Part 75 – Part 76 – Monthly Assistance Allowance for Veterans in Connection with the United States Paralympics
- Part 77 – Grants for Adaptive Sports Programs for Disabled Veterans and Disabled Members of the Armed Forces

38 CFR, PART 3 – ADJUDICATION

Subpart A – Pension, Compensation, and Dependency and Indemnity Compensation (§3.1 to §3.1009)

Subpart B – Burial Benefits (§3.1600 to §3.1612)

Subpart C – [Reserved]

Subpart D – Universal Adjudication Rules That Apply to Benefit Claims Governed by Part 3 of This Title (§3.2100 to §3.2600)

38 CFR, PART 3, SUBPART A – PENSION, COMPENSATION, AND DEPENDENCY AND INDEMNITY COMPENSATION

GENERAL

- 3.1 – Definitions.
- 3.2 – Periods of war.
- 3.3 – Pension.
- 3.4 – Compensation.
- 3.5 – Dependency and indemnity compensation.
- 3.6 – Duty periods.
- 3.7 – Individuals and groups considered to have performed active military, naval, or air service.
- 3.10 – Dependency and indemnity compensation rate for a surviving spouse.
- 3.11 – Homicide.
- 3.12 – Character of discharge.
- 3.12a – Minimum active-duty service requirement.
- 3.13 – Discharge to change status.
- 3.14 – Validity of enlistments.
- 3.15 – Computation of service.
- 3.16 – Service pension.
- 3.17 – Disability and death pension; Mexican border period and later war periods.
- 3.20 – Surviving spouse's benefit for month of veteran's death.
- 3.21 – Monetary rates.
- 3.22 – DIC benefits for survivors of certain veterans rated totally disabled at time of death.

- 3.23 – Improved pension rates – Veterans and surviving spouses.
- 3.24 – Improved pension rates – Surviving children.
- 3.25 – Parent’s dependency and indemnity compensation (DIC) – Method of payment computation.
- 3.26 – Section 306 and old-law pension annual income limitations.
- 3.27 – Automatic adjustment of benefit rates.
- 3.28 – Automatic adjustment of section 306 and old-law pension income limitations.
- 3.29 – Rounding.
- 3.30 – Frequency of payment of improved pension and parents' dependency and indemnity compensation (DIC).
- 3.31 – Commencement of the period of payment.
- 3.32 – Exchange rates for foreign currencies.
- 3.40 – Philippine and Insular Forces.
- 3.41 – Philippine service.
- 3.42 – Compensation at the full-dollar rate for certain Filipino veterans residing in the United States.
- 3.43 – Burial benefits at the full-dollar rate for certain Filipino veterans residing in the United States on the date of death.

RELATIONSHIP

- 3.50 – Spouse and surviving spouse.
- 3.52 – Marriages deemed valid.
- 3.53 – Continuous cohabitation.
- 3.54 – Marriage dates.
- 3.55 – Reinstatement of benefits eligibility based upon terminated marital relationships.
- 3.57 – Child.
- 3.58 – Child adopted out of family.
- 3.59 – Parent.
- 3.60 – Definition of “living with”.

ADMINISTRATIVE

- 3.100 – Delegations of authority.
- 3.102 – Reasonable doubt.
- 3.103 – Procedural due process and appellate rights.
- 3.104 – Finality of decisions.
- 3.105 – Revision of decisions.
- 3.106 – Renouncement.
- 3.107 – Awards where not all dependents apply.

- 3.108 – State Department as agent of Department of Veterans Affairs.
- 3.109 – Time limit.
- 3.110 – Computation of time limit.
- 3.112 – Fractions of one cent.
- 3.114 – Change of law or Department of Veterans Affairs issue.
- 3.115 – Access to financial records.

CLAIMS

- 3.150 – Forms to be furnished.
- 3.151 – Claims for disability benefits.
- 3.152 – Claims for death benefits.
- 3.153 – Claims filed with Social Security.
- 3.154 – Injury due to hospital treatment, etc.
- 3.155 – Informal claims.
- 3.156 – New and material evidence.
- 3.157 – Report of examination or hospitalization as claim for increase or to reopen.
- 3.158 – Abandoned claims.
- 3.159 – Department of Veterans Affairs assistance in developing claims.
- 3.160 – Status of claims.
- 3.161 – Expedited Claims Adjudication Initiative – Pilot Program.

EVIDENCE REQUIREMENTS

- 3.200 – Testimony certified or under oath.
- 3.201 – Exchange of evidence; Social Security and Department of Veterans Affairs.
- 3.202 – Evidence from foreign countries.
- 3.203 – Service records as evidence of service and character of discharge.
- 3.204 – Evidence of dependents and age.
- 3.205 – Marriage.
- 3.206 – Divorce.
- 3.207 – Void or annulled marriage.
- 3.208 – Claims based on attained age.
- 3.209 – Birth.
- 3.210 – Child's relationship.
- 3.211 – Death.
- 3.212 – Unexplained absence for 7 years.
- 3.213 – Change of status affecting entitlement.
- 3.214 – Court decisions; unremarried surviving spouses.
- 3.215 – Termination of marital relationship or conduct.

- 3.216 – Mandatory disclosure of social security numbers.
- 3.217 – Submission of statements or information affecting entitlement to benefits.

DEPENDENCY, INCOME AND ESTATE REGULATIONS APPLICABLE TO PROGRAMS IN EFFECT PRIOR TO JANUARY 1, 1979

- 3.250 – Dependency of parents; compensation.
- 3.251 – Income of parents; dependency and indemnity compensation.
- 3.252 – Annual income; pension; Mexican border period and later war periods.
- 3.256 – Eligibility reporting requirements.
- 3.257 – Children; no surviving spouse entitled.
- 3.260 – Computation of income.
- 3.261 – Character of income; exclusions and estates.
- 3.262 – Evaluation of income.
- 3.263 – Corpus of estate; net worth.
- 3.270 – Applicability of various dependency, income and estate regulations.

REGULATIONS APPLICABLE TO THE IMPROVED PENSION PROGRAM WHICH BECAME EFFECTIVE JANUARY 1, 1979

- 3.271 – Computation of income.
- 3.272 – Exclusions from income.
- 3.273 – Rate computation.
- 3.274 – Relationship of net worth to pension entitlement.
- 3.275 – Criteria for evaluating net worth.
- 3.276 – Certain transfers or waivers disregarded.
- 3.277 – Eligibility reporting requirements.

RATINGS AND EVALUATIONS; BASIC ENTITLEMENT CONSIDERATIONS

- 3.300 – Claims based on the effects of tobacco products.
- 3.301 – Line of duty and misconduct.
- 3.302 – Service connection for mental unsoundness in suicide.

RATINGS AND EVALUATIONS; SERVICE CONNECTION

- 3.303 – Principles relating to service connection.
- 3.304 – Direct service connection; wartime and peacetime.
- 3.305 – Direct service connection; peacetime service before January 1, 1947.
- 3.306 – Aggravation of pre-service disability.
- 3.307 – Presumptive service connection for chronic, tropical or prisoner-of-war related disease, or disease associated with exposure to certain herbicide agents; wartime and service on or after January 1, 1947.

- 3.308 – Presumptive service connection; peacetime service before January 1, 1947.
- 3.309 – Disease subject to presumptive service connection.
- 3.310 – Disabilities that are proximately due to, or aggravated by, service-connected disease or injury.
- 3.311 – Claims based on exposure to ionizing radiation.
- 3.312 – Cause of death.
- 3.313 – Claims based on service in Vietnam.
- 3.314 – Basic pension determinations.
- 3.315 – Basic eligibility determinations; dependents, loans, education.
- 3.316 – Claims based on chronic effects of exposure to mustard gas and Lewisite.
- 3.317 – Compensation for certain disabilities due to undiagnosed illnesses.
- 3.318 – Presumptive service connection for amyotrophic lateral sclerosis.
- 3.321 – General rating considerations.
- 3.322 – Rating of disabilities aggravated by service.
- 3.323 – Combined ratings.
- 3.324 – Multiple non-compensable service-connected disabilities.
- 3.326 – Examinations.
- 3.327 – Reexaminations.
- 3.328 – Independent medical opinions.
- 3.330 – Resumption of rating when veteran subsequently reports for Department of Veterans Affairs examination.
- 3.340 – Total and permanent total ratings and unemployability.
- 3.341 – Total disability ratings for compensation purposes.
- 3.342 – Permanent and total disability ratings for pension purposes.
- 3.343 – Continuance of total disability ratings.
- 3.344 – Stabilization of disability evaluations.

RATINGS FOR SPECIAL PURPOSES

- 3.350 – Special monthly compensation ratings.
- 3.351 – Special monthly dependency and indemnity compensation, death compensation, pension and spouse's compensation ratings.
- 3.352 – Criteria for determining need for aid and attendance and "permanently bedridden."
- 3.353 – Determinations of incompetency and competency.
- 3.354 – Determinations of insanity.
- 3.355 – Testamentary capacity for insurance purposes.
- 3.356 – Conditions which determine permanent incapacity for self-support.
- 3.357 – Civil service preference ratings.

- 3.358 – Compensation for disability or death from hospitalization, medical or surgical treatment, examinations or vocational rehabilitation training (§ 3.800).
- 3.359 – Determination of service connection for former members of the Armed Forces of Czechoslovakia or Poland.
- 3.360 – Service-connected healthcare eligibility of certain persons administratively discharged under other than honorable condition.
- 3.361 – Benefits under 38 U.S.C. 1151(a) for additional disability or death due to hospital care, medical or surgical treatment, examination, training and rehabilitation services, or compensated work therapy program.
- 3.362 – Offsets under 38 U.S.C. 1151(b) of benefits awarded under 38 U.S.C. 1151(a).
- 3.363 – Bar to benefits under 38 U.S.C. 1151.

RATING CONSIDERATIONS RELATIVE TO SPECIFIC DISEASES

- 3.370 – Pulmonary tuberculosis shown by X-ray in active service.
- 3.371 – Presumptive service connection for tuberculosis disease; wartime and service on or after January 1, 1947.
- 3.372 – Initial grant following inactivity of tuberculosis.
- 3.373 – [Reserved]
- 3.374 – Effect of diagnosis of active tuberculosis.
- 3.375 – Determination of inactivity (complete arrest) in tuberculosis.
- 3.376-3.377 – [Reserved]
- 3.378 – Changes from activity in pulmonary tuberculosis pension cases.
- 3.379 – Anterior poliomyelitis.
- 3.380 – Diseases of allergic etiology.
- 3.381 – Service connection of dental conditions for treatment purposes.
- 3.382 – [Reserved]
- 3.383 – Special consideration for paired organs and extremities.
- 3.384 – Psychosis.
- 3.385 – Disability due to impaired hearing.

EFFECTIVE DATES

- 3.400 – General.
- 3.401 – Veterans.
- 3.402 – Surviving spouse.
- 3.403 – Children.
- 3.404 – Parents.
- 3.405 – Filipino veterans and their survivors; benefits at the full-dollar rate.

APPORTIONMENTS

- 3.450 – General.
- 3.451 – Special apportionments.
- 3.452 – Situations when benefits may be apportioned.
- 3.453 – Veterans compensation or service pension or retirement pay.
- 3.454 – Veterans disability pension.
- 3.458 – Veteran’s benefits not apportionable.
- 3.459 – Death compensation.
- 3.460 – Death pension.
- 3.461 – Dependency and indemnity compensation.

REDUCTIONS AND DISCONTINUANCES

- 3.500 – General.
- 3.501 – Veterans.
- 3.502 – Surviving spouses.
- 3.503 – Children.
- 3.504 – Parents; aid and attendance.
- 3.505 – Filipino veterans and their survivors; benefits at the full-dollar rate.

HOSPITALIZATION ADJUSTMENTS

- 3.551 – Reduction because of hospitalization.
- 3.552 – Adjustment of allowance for aid and attendance.
- 3.556 – Adjustment on discharge or release.
- 3.558 – Resumption and payment of withheld benefits; incompetents with estates that equaled or exceeded statutory limit.

ADJUSTMENTS AND RESUMPTIONS

- 3.650 – Rate for additional dependent.
- 3.651 – Change in status of dependents.
- 3.652 – Periodic certification of continued eligibility.
- 3.653 – Foreign residence.
- 3.654 – Active service pay.
- 3.655 – Failure to report for Department of Veterans Affairs examination.
- 3.656 – Disappearance of veteran.
- 3.657 – Surviving spouse becomes entitled, or entitlement terminates.
- 3.658 – Offsets; dependency and indemnity compensation.
- 3.659 – Two parents in same parental line.
- 3.660 – Dependency, income and estate.

- 3.661 – Eligibility Verification Reports.
- 3.665 – Incarcerated beneficiaries and fugitive felons – compensation.
- 3.666 – Incarcerated beneficiaries and fugitive felons – pension.
- 3.667 – School attendance.
- 3.669 – Forfeiture.

CONCURRENT BENEFITS AND ELECTIONS

- 3.700 – General.
- 3.701 – Elections of pension or compensation.
- 3.702 – Dependency and indemnity compensation.
- 3.703 – Two parents in same parental line.
- 3.704 – Elections within class of dependents.
- 3.707 – Dependents' educational assistance.
- 3.708 – Federal Employees' Compensation.
- 3.710 – Civil service annuitants.
- 3.711 – Improved pension elections.
- 3.712 – Improved pension elections; surviving spouses of Spanish-American War veterans.
- 3.713 – Effective dates of improved pension elections.
- 3.714 – Improved pension elections – public assistance beneficiaries.
- 3.715 – Radiation Exposure Compensation Act of 1990, as amended.

RETIREMENT

- 3.750 – Entitlement to concurrent receipt of military retired pay and disability compensation.
- 3.751 – Statutory awards; retired service personnel.
- 3.753 – Public Health Service.
- 3.754 – Emergency officers' retirement pay.

SPECIAL BENEFITS

- 3.800 – Disability or death due to hospitalization, etc.
- 3.801 – Special acts.
- 3.802 – Medal of Honor.
- 3.803 – Naval pension.
- 3.804 – Special allowance under 38 U.S.C. 1312.
- 3.805 – Loan guaranty for surviving spouses; certification.
- 3.806 – Death gratuity; certification.
- 3.807 – Dependents' educational assistance; certification.
- 3.808 – Automobiles or other conveyances; certification.
- 3.809 – Specially adapted housing under 38 U.S.C. 2101(a).
- 3.809a – Special home adaptation grants under 38 U.S.C. 2101(b).

- 3.810 – Clothing allowance.
- 3.811 – Minimum income annuity and gratuitous annuity.
- 3.812 – Special allowance payable under section 156 of Pub. L. 97-377.
- 3.813 – Interim benefits for disability or death due to chloracne or porphyria cutanea tarda.
- 3.814 – Monetary allowance under 38 U.S.C. Chapter 18 for an individual suffering from spina bifida whose biological father or mother is or was a Vietnam veteran.
- 3.815 – Monetary allowance under 38 U.S.C. chapter 18 for an individual with disability from covered birth defects whose biological mother is or was a Vietnam veteran; identification of covered birth defects.
- 3.816 – Awards under the Nehmer Court Orders for disability or death caused by a condition presumptively associated with herbicide exposure.

INCOMPETENTS, GUARDIANSHIP AND INSTITUTIONAL AWARDS

- 3.850 – General.
- 3.851 – St. Elizabeth’s Hospital, Washington, DC.
- 3.852 – Institutional awards.
- 3.853 – Incompetents; estate over \$25,000.
- 3.854 – Limitation on payments for minor.
- 3.855 – Beneficiary rated or reported incompetent.
- 3.856 – Change of name of female fiduciary.
- 3.857 – Children’s benefits to fiduciary of surviving spouse.

FORFEITURE

- 3.900 – General.
- 3.901 – Fraud.
- 3.902 – Treasonable acts.
- 3.903 – Subversive activities.
- 3.904 – Effect of forfeiture after veteran’s death.
- 3.905 – Declaration of forfeiture or remission of forfeiture.

PROTECTION

- 3.950 – Helpless children; Spanish-American and prior wars.
- 3.951 – Preservation of disability ratings.
- 3.952 – Protected ratings.
- 3.953 – Pub. L. 85-56 and Pub. L. 85-857.
- 3.957 – Service connection.
- 3.958 – Federal employees’ compensation cases.
- 3.959 – Tuberculosis.
- 3.960 – Section 306 and old-law pension protection.

ACCRUED

- 3.1000 – Entitlement under 38 U.S.C. 5121 to benefits due and unpaid upon death of a beneficiary.
- 3.1001 – Hospitalized competent veterans.
- 3.1002 – Political subdivisions of United States.
- 3.1003 – Returned and canceled checks.
- 3.1004-3.1006 – [Reserved]
- 3.1007 – Hospitalized incompetent veterans.
- 3.1008 – Accrued benefits payable to foreign beneficiaries.
- 3.1009 – Personal funds of patients.
- 3.1010 – Substitution Under 38 U.S.C. 5121a following death of a claimant.

38 CFR, PART 3, SUBPART B – BURIAL BENEFITS

BURIAL BENEFITS: GENERAL

- 3.1700 Types of VA burial benefits.
- 3.1701 Deceased veterans for whom VA may provide burial benefits.
- 3.1702 Persons who may receive burial benefits; priority of payments.
- 3.1703 Claims for burial benefits.

BURIAL BENEFITS: ALLOWANCES & EXPENSES PAID BY VA

- 3.1704 Burial allowance based on service-connected death.
- 3.1705 Burial allowance based on non-service-connected death.
- 3.1706 Burial allowance for a veteran who died while hospitalized by VA.
- 3.1707 Plot or interment allowances for burial in a state veterans cemetery or other cemetery.
- 3.1708 Burial of a veteran whose remains are unclaimed.
- 3.1709 Transportation expenses for burial in a national cemetery.

BURIAL BENEFITS: OTHER

- 3.1710 Escheat (payment of burial benefits to an estate with NO heirs).
- 3.1711 Effect of contributions by government, public, or private organizations.
- 3.1712 Effect of forfeiture on payment of burial benefits.
- 3.1713 Eligibility based on status before 1958.

38 CFR, PART 3, SUBPART D – UNIVERSAL ADJUDICATION RULES THAT APPLY TO BENEFIT CLAIMS GOVERNED BY PART 3 OF THIS TITLE

GENERAL

- 3.2100 – Scope of Applicability.
- 3.2130 – Will VA accept a signature by mark or thumbprint?

REVISIONS

- 3.2600 – Review of benefit claims decisions.

38 CFR, PART 4 – SCHEDULE FOR RATING DISABILITIES

Subpart A – General Policy in Rating (§4.1 to §4.31)

Subpart B – Disability Ratings (§4.40 to §4.150)

38 CFR, PART 4, SUBPART A – GENERAL POLICY IN RATING

- 4.1 – Essentials of evaluative rating.
- 4.2 – Interpretation of examination reports.
- 4.3 – Resolution of reasonable doubt.
- 4.6 – Evaluation of evidence.
- 4.7 – Higher of two evaluations.
- 4.9 – Congenital or developmental defects.
- 4.10 – Functional impairment.
- 4.13 – Effect of change of diagnosis.
- 4.14 – Avoidance of pyramiding.
- 4.15 – Total disability ratings.
- 4.16 – Total disability ratings for compensation based on unemployability of the individual.
- 4.17 – Total disability ratings for pension based on unemployability and age of the individual.
- 4.17a – Misconduct etiology.
- 4.18 – Unemployability.
- 4.19 – Age in service-connected claims.
- 4.20 – Analogous ratings.
- 4.21 – Application of rating schedule.
- 4.22 – Rating of disabilities aggravated by active service.
- 4.23 – Attitude of rating officers.
- 4.24 – Correspondence.

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