

— FWD ASSIST HQ —

FIELD GUIDE

The Accrued Benefits and Substitution Guide

Protect a claim the veteran left open before
the one-year wall.



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A FWD Assist HQ Field Guide

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This guide is education, not representation. It explains how part of the VA system works so you can handle your own business with confidence. It is not legal or claims advice, and reading it does not create any representative relationship between you and the author. The author is not affiliated with the Department of Veterans Affairs, and nothing here is endorsed by the VA.

This guide prints no live VA dollar figures and no rating percentages on purpose, because they change. Before you make a decision based on any number, check the current figure at va.gov. No book can promise you a rating; the evidence in your file decides the result. Help from an accredited Veterans Service Officer is always free.

The Accrued Benefits and Substitution Guide

Protect a claim the veteran left open before the one-year wall.

Companion to *What to Do When a Veteran Dies*.

BEFORE YOU READ ONE MORE LINE

If you or someone in your family is in crisis, stop and call the **Veterans Crisis Line: dial 988, then press 1**. You can also text 838255. It's free, confidential, and open 24 hours a day. You don't have to be a veteran to call. It serves families and friends too.

This is general education, not legal or claims advice, and not guidance for your specific claim. It cannot promise you a rating or an outcome, and no one can. For help with your own claim, see a free accredited representative (see [the back of this guide](#)). Nothing here creates a representative relationship.

Current as of October 2026. Rules, forms, and figures change. Check current details at va.gov.

THE BEST WAY TO USE THIS GUIDE

The strongest position is to be your own informed advocate and to work with a free accredited representative. An accredited Veterans Service Organization, such as the DAV, VFW, American Legion, or a county or state veterans office, helps at no charge. Accredited claims agents and attorneys can help too. They can't charge for work done before VA issues its initial decision on your claim, and after that they may charge a fee within the limits of 38 CFR 14.636. This guide is here so you understand your own situation and can work with them as a full partner instead of handing it over blind. If you'd rather handle this yourself, and you're comfortable doing that, the guide walks you through every step. Either way, you stay in control.

The Outcome and What You Need Before You Start

The outcome: By the end of this guide you'll know whether the veteran had a claim or appeal open with VA when he died. You'll have the one-year date written down. And the right request or claim will be filed before that date, with a free accredited representative's help.

This guide prepares you for the task. It doesn't and can't promise an outcome. The evidence in the file decides the result.

WHAT YOU NEED BEFORE YOU START

- ☐ The date of death and a certified copy of the death certificate.
- ☐ Every piece of VA mail from the last year or two of his life.
- ☐ Any VA form he started and didn't finish.
- ☐ His VA file number, claim number, or Social Security number.
- ☐ Your marriage certificate, or the children's birth certificates.
- ☐ Bills and receipts for his last illness and burial, if you paid them.

When to start: This week. The clock started on the date of death, and it doesn't pause or send a reminder. This is the one-year wall on the survivor's clock.

Start Here: The Basics

When a veteran dies with something unfinished at VA, the law gives certain survivors two ways to pick it up. **Substitution** lets an eligible survivor step into a claim or appeal that was pending when he died and carry it to the end. The substitute can add evidence and new arguments, but can't add new issues. **Accrued benefits** are money VA owed him and hadn't paid when he died. VA decides an accrued claim on the evidence it had on or before the date of death.

Both share one wall. The request to substitute, or the claim for accrued benefits, has to be filed within one year after the date of death. Miss it, and that money can't be claimed this way. Your own survivor benefits, like DIC, are separate claims with their own rules. If grief is too heavy today, the [Veterans Crisis Line](#) serves families too: dial 988, then press 1, or text 838255.

Where this is written down: 38 U.S.C. § 5121(a), (c); 38 U.S.C. § 5121A(a); 38 CFR § 3.1000(a), (c), (d)(4); 38 CFR § 3.1010(a), (b), (f)(2).

The Steps

STEP 1

Write down the date of death and the one-year date.

Count one year forward from the date he died. Write both dates in large print on the front of your folder and in your calendar, with a reminder a month ahead.

Do not count from the funeral, the death certificate's date, or the day you found the letter. The clock runs from the date of death.

Where this is written down: 38 CFR § 3.1000(c); 38 CFR § 3.1010(b).

Done when both dates are on the folder and in your calendar.

STEP 2

Find out whether a claim or appeal was open when he died.

Go through the VA mail. Set aside anything that asks for "additional evidence," names a claim or claim number, or mentions an appeal, a higher-level review, or a supplemental claim. Keep any form he started. Then call VA at 800-827-1000 and report the death if no one has. Ask: "Was any claim or appeal pending on his record?" Write down the answer, the date, and the name of the person you spoke with.

If VA had his claim and hadn't decided it, **then** it was pending. **If** VA had decided it but his time to ask for a review hadn't run out, **then** VA may still treat it as pending. **If** he had an appeal at the Board and the Board hadn't issued a final decision, **then** it was pending. **If** the Board issued its final decision before he died, **then** it isn't pending for substitution, even if time was left to go to the Court. Take that one to a representative.

Where this is written down: 38 CFR § 3.1010(g)(1).

Done when you've set aside every sign of an open claim and written down what VA told you.

STEP 3

Find your place in the order of survivors.

The law lists who can receive accrued benefits, and the same list decides who can substitute. For a veteran, the surviving spouse comes first. If there's no spouse, his children come next, in equal shares. Here a child means an unmarried child who is under 18, or 18 to 23 and in school when he died, or who became permanently unable to support himself or herself before 18. An adult child who doesn't fit can't take this place in line. If there are no such children, his dependent parents come next. If none of them is living, only the person who paid for his last illness and burial can be paid back, and only for those costs.

If there are several eligible children, **then** only one can act as the substitute at a time. The first one to file represents the group, and any award is shared equally. **If** someone higher on the list doesn't file or waives the right, **then** that doesn't move the right down to someone lower.

Where this is written down: 38 CFR § 3.1000(a), (c)(2), (d)(2); 38 CFR § 3.1010(e)(3), (g)(4).

Done when you know who in the family is first in line and you have the papers that prove the relationship.

STEP 4

Book a free accredited representative this week.

Use a county or state veterans office, or a group like the DAV, VFW, or American Legion. Find and check anyone at va.gov/get-help-from-accredited-representative. Bring the folder from Steps 1 through 3 and ask: "Did he have a claim or appeal open when he died, or did VA owe him money it never paid? Is this substitution, accrued benefits, or both for us, which form, and by what date?"

Do not pay anyone who calls offering to "save" the open claim or "recover" what he was owed. VA warned in April 2026 that scammers target families right after a death and push them to decide fast.

Done when the appointment is on your calendar, before the one-year date with room to spare.

STEP 5

Pick the right filing with your representative.

These are the usual forms:

- VA Form 21P-0847, Request for Substitution of Claimant Upon Death of Claimant. You can also file it online.
- VA Form 21P-534EZ, Application for D.I.C., Survivors Pension, and/or Accrued Benefits, for a surviving spouse or child.
- VA Form 21P-535, for a parent.
- VA Form 21P-601, Application for Accrued Amounts Due a Deceased Beneficiary, mainly for paying back last-illness and burial costs.

Your representative helps you pick the one that fits.

If a claim was pending and you file for accrued benefits, DIC, or survivors pension within the year, **then** VA treats it as a request to substitute too. You can waive that in writing. **If** you file for DIC, survivors pension, or death compensation as a spouse, child, or parent, **then** VA treats it as including a claim for accrued benefits. **If** you send a letter instead of a form, **then** it has to say you want to substitute and name both of you. It also needs his claim number, Social Security number, or appeal number.

Where this is written down: 38 CFR § 3.1000(c); 38 CFR § 3.1010(c).

Done when you and your representative have chosen the form or forms and filled them out.

STEP 6

File before the one-year date and keep proof.

File online and save the confirmation, or mail it with tracking and keep a copy of everything you sent. Include proof of death and proof of your relationship to him, such as the marriage or birth certificate.

If VA writes that it needs proof you're an eligible survivor, **then** send it by the date on the letter. For substitution, that's 60 days after the notice or one year after the death, whichever is later. For an incomplete accrued claim, it's one year from the notice.

Where this is written down: 38 CFR § 3.1000(c)(1); 38 CFR § 3.1010(d).

Done when you have a dated confirmation or delivery receipt in the folder, before the one-year date.

STEP 7

Handle the month-of-death payment before you send anything back.

A veteran's VA payment ends the last day of the month before he died. VA pays each month at the start of the next one, so a deposit often lands after the death. Here's the rule for deaths on or after August 6, 2012. If he was getting VA compensation or pension when he died, the payment for the month he died belongs to his surviving spouse. It's paid at the amount he would have received. That's true whether or not the spouse later gets DIC or survivors pension. Payments for later months usually go back.

If a VA letter asks for the month-of-death payment back, **then** take it to your representative before you pay anything. **If** a claim was pending and would have raised his rate for that month, **then** ask whether the difference is payable as accrued benefits.

Where this is written down: 38 U.S.C. § 5310(a), (b), as amended by Pub. L. 112-154, sec. 507; 38 CFR § 3.500(g).

Done when you know which deposits are yours to keep and any repayment letter is with your representative.

STEP 8

If VA grants substitution, track the deadlines that carry over.

As the substitute, you have the same rights he had on hearings, representation, appeals, and sending evidence. You can't get a medical exam in his place, and you can't add a new issue. Any deadline he had left carries over, and only the time he had left. That time starts again on the date VA mails the letter granting your request. Any award covers the period before his death.

If the grant letter or a later VA letter names a response date, **then** write it on your folder and give your representative a copy that day. **If** VA denies your request to substitute, **then** ask your representative about appealing that denial to the Board.

Where this is written down: 38 CFR § 3.1010(e)(2), (f)(2), (f)(3), (g)(2).

Done when every carried-over deadline is written on your folder and your representative has the letter.

Recap Checklist

- ☐ Wrote down the date of death and the one-year date.
- ☐ Pulled the VA mail and asked VA whether a claim or appeal was pending.
- ☐ Know who's first in the order of survivors, with proof of the relationship.
- ☐ Booked a free accredited representative this week.
- ☐ Chose the form: 21P-0847, 21P-534EZ, 21P-535, or 21P-601.
- ☐ Filed before the one-year date and saved proof.
- ☐ Sorted out the month-of-death payment before repaying anything.
- ☐ Wrote down every deadline that carried over after a substitution grant.

Reminder: rules and rates change. Check any current figure at va.gov. Help from an accredited Veterans Service Organization is free. Accredited claims agents and attorneys can't charge for work done before VA issues its initial decision on your claim. After that, they may charge a fee within the limits of 38 CFR 14.636. This guide prepared you for the task. The evidence in your file decides the result.

Get Free, Accredited Help

For anything about your own claim, talk to an accredited representative. Help from an accredited Veterans Service Organization is free. Accredited claims agents and attorneys can't charge for work done before VA issues its initial decision on your claim. After that, they may charge a fee within the limits of 38 CFR 14.636. Free help is available through Veterans Service Organizations such as the DAV, VFW, and American Legion, and through county and state veterans offices.

To find one near you, visit va.gov/get-help-from-accredited-representative. Representation begins only when you sign VA Form 21-22 (for a Veterans Service Organization) or 21-22a (for an individual agent or attorney). With one rare exception for a single unpaid case, only accredited people can represent you before the VA, and only an accredited agent or attorney can charge you a fee. Nothing in this guide creates that relationship.

A warning about claim sharks. Anyone who offers to file your initial claim for a fee, or who guarantees you a rating or a percentage, is selling something you shouldn't buy. Accredited Veterans Service Organizations help at no charge, and accredited claims agents and attorneys may charge only after VA issues its initial decision, within the limits of 38 CFR 14.636. Report predatory companies to the VA Office of Inspector General at 1-800-488-8244.

Keep Going: The Full Guide

This field guide is the short, do-this-now companion to the book *What to Do When a Veteran Dies*. See every FWD Assist HQ title that is out now at fwdassisthq.com/books.

Current as of October 2026. Rules, forms, and figures change. Check current details at va.gov.

About the Author

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J. Erickson is a service-disabled Air Force veteran. He served as a military firefighter and as a veteran service officer, where he spent years walking veterans through the same claims process he writes about now. He holds an MBA and writes plain-language guides for veterans who want to understand the system without a translator.

He writes the For the Rest of Us series at fwdassisthq.com. This guide is published by FWD Assist HQ as a veteran education resource. It is not affiliated with or endorsed by the Department of Veterans Affairs.