

VBA Benefits Training

Seattle VA Regional Office

You are here

We are here
to help you
find your way



Presentation Content

- Healing Begins at Home
- How You Can Help
- VA Service Officer Basics / Understanding Benefits
- Survivor Claims / Burial Benefits
- Special Claims / Presumptive Conditions
- Non Service-Connected Pension
- Aid and Attendance

Healing Begins at Home

When Warriors come home, look out for . . .

- Social isolation
- Confusion, poor concentration, or lack of focus
- PTSD, anger, depression, and substance abuse
- Diabetes, high blood pressure, Parkinson's Disease
- Soft-tissue, lung and prostate cancers
- Back, shoulder, neck and knee problems

How You Can Help

- Encourage spending time with Elders and other Warriors
- Focus on traditional foods and the natural world
- Reconnect with healing ceremonies and prayers
- Cleanse the body through exercise and healing songs
- Visit sweat lodges, if this is your custom
- Support efforts to obtain healthcare and file for benefits
- Understand that the wounds of war don't have to be permanent

Types of Benefits Administered by VBA

- Service-connected compensation and non service-connected pension
- Survivor's Benefits (Dependency and Indemnity Compensation, Death Pension, and grief counseling.)
- Education Benefits
- Vocational Rehabilitation
- Home Loans
- Life Insurance
- Burial Benefits
- Healthcare

Additional Benefits Available to Warriors and Veterans

- Preference in federal hiring
- Social Security Administration (SSA)
- Unemployment Insurance (if actively seeking work)
- Military retirement, medical severance and separation pay
- State programs including tuition assistance, emergency funds, PTSD and grief counseling, soldier's homes and elder care, fiduciary and guardianship, license plates, hunting and fishing licenses, park passes, burial plots, claim assistance, access to discharge papers and other Veteran records

How to Apply for Benefits

- Apply Online (recommended)
- Contact a Tribal Veteran Representative (TVR) or accredited Veterans Service Organization (VSO)
- Download and mail a Standard Form
- Speak to us in person

VA Services Officer Basics – Understanding Benefits

- Who is a Veteran
- Types of discharges
- Service-Connected Disability Compensation claims
- Fully Developed vs. Standard claims
- Developing medical evidence (nexus) in support of a claim
- How to apply

Who is a Veteran?

- Title 38 of the Code of Federal Regulations defines a veteran as “a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.”

Who is a Veteran? (continued)

- In general, active service means full-time service, other than active duty for training, as a member of the Army, Navy, Air Force, Marine Corps, and Coast Guard; as a commissioned officer of the Public Health Service; or as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessors.

Types of Discharges

There are currently five types of discharges issued by the military services:

1. Honorable Discharge (HD),
2. Under Honorable Conditions (UHC) or General Discharge (GD),
3. Other than Honorable Conditions (OTH) or Undesirable Discharge (UD),
4. Bad Conduct Discharge (BCD), and
5. Dishonorable Discharge (DD).

Service-Connected Disability Compensation

- Disability compensation paid to veteran who is disabled by an injury /illness incurred or aggravated during active military service
- Injury or illness does NOT have to be combat related or have been incurred during a period of war
- If granted, veteran assigned a percentage (0%, 10%, 20%...) which corresponds to a dollar value
 - 10%= \$133.57
 - 50%= \$838.64 (single vet with no dependents)
 - 100%= \$2,915.55 (single vet with no dependents)

Service-Connected Disability Compensation (continued)

- Vets rated at or above 30% are entitled to add dependents to their award (VA Form 21-686c) which increases payment.
- For example, add spouse = \$48.00 to \$163.00 increase
- This benefit is NOT affected by other sources of income *except* when receiving Individual Unemployability.

Important: The date VBA receives a Claim is generally the date of entitlement for benefits. For this reason, use VA Form 21-0966 if you **Intend to File** a claim but don't have everything assembled.

Who is Eligible for S/C Compensation?

- Any veteran is eligible for s/c compensation if they meet the criteria:
 - Have service-related disability
 - Have discharge that is other than Dishonorable
 - Served on active duty
 - Guard and Reserve Members generally need to have been called on to active duty under Title 10 or USC 32 (DD 214 usually notates this)

Fully Developed vs. Standard Claims

- The **Fully Developed Claims (FDC)** program is an optional initiative that offers Veterans and survivors faster decisions from VA on compensation, pension, and survivor benefit claims.
- By filing an FDC, Veterans and survivors take charge of their claim by providing all the evidence at once. By then certifying that there is no more evidence, VA can issue a decision faster.

Fully Developed vs. Standard Claims

- The **Fully Developed Claims** (FDC) program is an optional initiative that offers Veterans and survivors faster decisions from VA on compensation, pension, and survivor benefit claims.
- By submitting all evidence at once, VA can issue a decision faster.
- Use VA form 21-0966, Intent to File, to protect the effective date of potential benefits.
- Follow up with VA Form 21-526EZ to file formal claim.

Fully Developed vs. Standard Claims

- Veterans who file **Standard Claims** requests VA to gather all evidence to decide the claim.
- The decision process normally takes longer, because VA must gather all evidence after the claim is filed.
- Use VA form 21-526EZ to file FDC and Standard claims.

Developing for Medical Evidence / Nexus

- Gather relevant documents, such as private medical records.
- While VA will obtain Federal records on your behalf, such as your DD-214 or service medical records, submitting them, if you have them will save time.
- VA must connect your current condition to military service. This link or “nexus” statement is provided by a doctor and based on sound reasoning – not speculation or conjecture.

How to Apply for Benefits

Applicants must now use Standard Forms:

- VA Form 21-526EZ for original or reopen **compensation** claims
- VA Form 21-527EZ for original or reopen **pension** claims
- VA Form 21-534EZ for **Survivor** benefit claims
- VA Form 21-0966 if you **Intend to File** a claim
- VA Form 21-0958 to file a **Notice of Disagreement** with a decision

Survivor Claims / Burial Benefits

- What is Dependency and Indemnity Compensation?
- What are accrued benefits?
- What is death pension?
- What are burial benefits?

What is Dependency and Indemnity Compensation?

Dependency and Indemnity Compensation (DIC) is a monthly benefit paid to eligible survivors of:

- Servicemembers who died while on active duty, active duty for training, or inactive duty training, OR
- Veterans whose death resulted from a service-connected injury or disease, OR

What is Dependency and Indemnity Compensation? (continued)

- Veterans whose death resulted from a non-service-connected injury or disease, and who were **totally disabled from their service-connected disabilities** for at least **10 years** immediately preceding their death, OR, since the Veteran's release from active duty and for at least **five years** immediately preceding death, OR, at least **one year** immediately preceding death if the Veteran was a **Former Prisoner of War (FPOW)** who died after September 30, 1999.

What are Accrued Benefits?

- Accrued benefits are **benefits that are due** to the beneficiary based on an existing decision on a claim for benefits or evidence in the Veteran's claim file at the date of death, **but not paid prior to death.**
- *Example:* A claim for a recurring benefit had not been allowed, but the beneficiary died before award action could be taken, OR one or more benefit checks had not been deposited or negotiated.

What are Burial Benefits?

- VA burial allowances are flat-rate monetary benefits that are generally paid at the maximum amount authorized by law for an eligible Veteran's burial and funeral costs.
- Eligible surviving spouses of record are paid automatically upon notification of a Veteran's death, without the need to submit a claim.

What are Burial Benefits? (continued)

HOW MUCH DOES VA PAY?

Service-Connected Death

- If the Veteran died on or after September 1, 2001, the maximum service-connected burial allowance is \$2,000. If the Veteran died before September 11, 2001, the maximum service-connected burial allowance is \$1,500.

What are Burial Benefits? (continued)

Non Service-Connected Death

- If the Veteran died on or after October 1, 2016, VA will pay a \$300 burial allowance and \$749 for a plot.
- If the Veteran died on or after October 1, 2015, but before October 1, 2016, VA will pay a \$300 burial allowance and \$747 for a plot.
- If the Veteran died on or after October 1, 2014, but before October 1, 2015, VA will pay \$300 for burial allowance and \$745 for a plot.

What are Burial Benefits? (continued)

Additional Memorial Benefits

- No cost internment at a National or State Cemetery for the Veteran, spouse and children (regardless of age)
- Presidential Memorial Certificate
- Memorial Flag (one per family)
- Headstone or crypt marker

Special Claims / Presumptive Conditions

What are presumptive conditions?

- PTSD
- Agent Orange
- Gulf War Illness
- Camp Lejeune Contaminated Water
- Atomic Veterans

What are Presumptive Conditions?

- M21-1, Part IV, Subpart ii, Chapter 2, Section B - Determining Service Connection (SC)
- Diseases or conditions entitled to consideration for presumptive SC will be considered to have been incurred in or aggravated by service if manifested to a compensable level within the time frame specified for that certain disease under the regulation, even if there is no evidence of such disease during service.

Special Issues Relating to S/C Compensation

- Claims for PTSD
 - Current diagnosis + in-service stressor + symptoms/condition medically related to in-service stressor (nexus)= likely grant of service connection for PTSD
 - Vet needs to provide stressor statement demonstrating an in-service stressor caused him/her fear of hostile military or terrorist activity (statement can be replaced by evidence of certain medals/ribbons on DD 214)
 - Non combat veterans: Need to provide stressor statement including who/what/where/when (2 month date range and year) /how of the traumatic event they experienced

Special Issues Relating to S/C Compensation (continued)

- Claims Relating to Agent Orange Exposure
 - Service connection for the following conditions may be presumed if we are able to place veteran in Vietnam or inland waterways between 1-9-62 and 5-7-75:
 - Hodgkin's disease
 - multiple myeloma
 - non-Hodgkin's lymphoma (NHL)
 - acute and subacute peripheral neuropathy
 - porphyria cutanea tarda
 - prostate cancer

Special Issues Relating to S/C Compensation (continued)

- respiratory cancers, such as cancers of the
 - lung
 - bronchus
 - larynx
 - trachea
- soft-tissue sarcoma
- chloracne or other acneiform disease consistent with chloracne
- type 2 diabetes mellitus
- chronic lymphocytic leukemia
- AL amyloidosis
- Parkinson's Disease
- Amyotrophic Lateral Sclerosis (ALS)

Gulf War Illness (Undiagnosed Illness)

- 38 CFR 3.317 defines a “Gulf War Veteran” as one who served in the active military, naval, or air service in the Southeast Asia theatre of operations during the Gulf War.
- Claims for Gulf War Undiagnosed Illness may be presumed if we are able to place veteran in Southeast Asia between 8-2-90 to current:
 - Iraq, Kuwait, Saudi Arabia, United Arab Emirates, Bahrain, Qatar, Oman, Gulf of Aden, Gulf of Oman, Persian Gulf, Arabian Sea, Red Sea and any airspace above these locations.
- An ***undiagnosed illness*** is a type of chronic qualifying disability where qualifying signs and/or symptoms cannot be attributed to any known clinical diagnosis by history, physical examination and laboratory tests.

Gulf War Illness (Undiagnosed Illness)

- For purposes of this section, a *qualifying chronic disability* means a chronic disability resulting from any of the following (or any combination of the following):
 - (A) An undiagnosed illness;
 - (B) A medically unexplained chronic multisymptom illness that is defined by a cluster of signs or symptoms, such as:
 - (1) Chronic fatigue syndrome;
 - (2) Fibromyalgia;
 - (3) Functional gastrointestinal disorders (excluding structural gastrointestinal diseases).
- Signs or symptoms of undiagnosed illness and medically unexplained chronic multisymptom illnesses.
 - Fatigue, Skin S/S, muscle pain, joint pain, neurological S/S, neuropsychological S/S, sleep disturbances, GI S/S, cardiovascular S/S, abnormal weight loss and menstrual disorders.

Camp Lejeune Contaminated Water (CLCW)

- **M21-1, Part IV, Subpart ii, Chapter 1, Section I - Developing Claims for Service Connection (SC) Based on Other Exposure Types**
- On March 14, 2017, [38 CFR 3.307\(a\)\(7\)](#) effectuated a presumption of SC for specific disabilities for Veterans who served no less than 30 days (consecutive or nonconsecutive) at the U.S. Marine Corps Base Camp Lejeune, North Carolina, between August 1, 1953, and December 31, 1987, based on exposure to contaminants present in the base's water supply.

Camp Lejeune Contaminated Water (CLCW)

- **§ 3.309 Disease subject to presumptive service connection (f).**
 - *Disease associated with exposure to contaminants in the water supply at Camp Lejeune.* If a veteran, or former reservist or member of the National Guard, was exposed to contaminants in the water supply at Camp Lejeune during military service and the exposure meets the requirements of § 3.307(a)(7), the following diseases shall be service-connected even though there is no record of such disease during service, subject to the rebuttable presumption provisions of § 3.307(d).
 - Kidney cancer, liver cancer, Non-Hodgkin's lymphoma, adult leukemia, multiple myeloma, Parkinson's disease, Aplastic anemia and other myelodysplastic syndromes and bladder cancer.

Atomic Veterans

- An *Atomic Veteran* is defined in legislation as a Veteran who, as part of his or her military service:
- Participated in an above-ground nuclear test, 1945–1962; or
- Was part of the U.S. military occupation forces in/around Hiroshima/Nagasaki before 1946; or
- Was held as a POW in or near Hiroshima or Nagasaki (certain cases).

Atomic Veterans (continued)

If you think you are an *Atomic Veteran*:

- Find and contact your local VA Medical Center (VAMC) at 1-800-827-1000.
- Go to <http://vabenefits.vba.va.gov/vonapp> to file a claim.
- Contact your local VAMC for a Registry examination.

Atomic Veterans (continued)

Presumptive cancers

- There are 21 presumptive cancers defined by law: leukemia (except chronic lymphocytic leukemia); cancer of the thyroid, breast, pharynx, esophagus, stomach, small intestine, pancreas, bile ducts, gall bladder, salivary gland, urinary tract (kidneys, renal pelvis, ureter, urinary bladder and urethra), bone, brain, colon, lung, and ovary; lymphomas (except Hodgkin's disease); multiple myeloma; primary liver cancer (except if cirrhosis or hepatitis B is indicated); and bronchio-alveolar carcinoma (a rare lung cancer).

Atomic Veterans (continued)

- In some cases, a cancer on the presumptive list may require a dose estimate in order for VA to establish entitlement. Most often, this is necessary if the date of diagnosis occurred before the date that the specific disease was added to the presumptive list. Also, some nonmalignant conditions (such as nonmalignant thyroid nodular disease, posterior subcapsular cataract, and parathyroid adenoma) may be eligible for compensation.

Non Service-Connected Pension / Aide and Attendance

- What is Non-Service Connected Pension?
- What is Aid and Attendance?

Non Service-Connected Pension

- Income based benefit for veterans who are permanently and totally disabled and unable to work due to non military-related conditions
 - Purpose to bring the veteran's total monthly income to a level set by congress (currently \$1,072.33)
- What does Permanent and Total mean?
 - Age 65 or older
 - Under age 65 but deemed unable to work based on medical evidence, or
 - Residing in a Medicaid approved nursing home

Who is Eligible?

Vet must meet ALL the following criteria:

1. Have received other than dishonorable discharge
2. Meet length of service criteria:
 1. Service prior to 9-7-1980: served 90 days
 2. Service after 9-7-1980: served 24 consecutive months
3. At least one day of service must be during period of war (did not have to be in combat)
4. Permanently and Totally disabled –or- 65+ years of age
5. Countable income less than \$12,868 yearly (\$1,072.33 monthly) for a single Veteran with no dependents

War Time Service Periods

- WWI: April 6, 1917 to November 11, 1918
- WWII: December 7, 1941 to December 31, 1946
- Korean War: June 27, 1950 to January 31, 1955
- Vietnam War: August 5, 1964* to May 7, 1975 (*In country from February 28, 1961)
- Gulf War: August 2, 1990 to present

How to Apply for NSC Pension

- Veteran needs to complete VA Form 21-526 or 21-527
 - IF using 21-526, do not fill out compensation section unless vet intending to apply for this
 - In income section, fill out EVERY line (if the question doesn't apply or answer is "0", write "0")
 - If form is not complete, we will need to do development, causing delays

What is Aide and Attendance?

- VA may provide additional income in the form of an allowance to the basic benefit if the Veteran or the surviving spouse has a regular medical need for assistance or supervision due to disability.
- Allowances are granted for the regular need for "aide and attendance" or if the beneficiary is "housebound."

Special Note: Aide and Attendance is an allowance paid *in addition to* the basic benefits of compensation or pension. It is **not** a separate or stand-alone program.

What is Aide and Attendance? (continued)

- Aid and Attendance may be granted when one or more conditions exist that require additional caregiver support for the disability.
- Medical evidence is required unless someone is a patient in a nursing home, and then the requirement is waived.
- Submit VA Form 21-2680, Examination for Housebound Status or Permanent need for Regular Aid and Attendance, OR
- Submit VA Form 21-0779, Request for Nursing Home Information in Connection with Claim for Aid and Attendance



Questions?

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