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Veterans Affairs: Agent Orange Claims

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AAFMAA

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- ❑ Founded in 1879
- ❑ Non-profit, tax-exempt, member owned mutual association
- ❑ Open to all branches of the U.S. Armed Forces
- ❑ Over 90,000 members



AAFMAA Member Benefits

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- **OUR VISION:** to ensure the financial security and independence of members of the American Armed Forces community.
- **OUR MISSION:** to be the premier provider of insurance, financial and survivor services to the American Armed Forces community.
- **OUR VALUES:**
 - Loyalty
 - Empathy
 - Responsiveness
 - Spirit of Collaboration
 - Innovation

Agenda

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- Why is a VA disability rating important?
- Vietnam presumptive agent orange conditions
- Agent orange claims process
 - ▣ How and where to file
 - ▣ What to expect after submission of claim
 - ▣ Understanding how a decision is made
 - ▣ VA compensation
- Death Benefits
 - ▣ VA benefits at death
 - ▣ Prepare your survivors
- What if my condition is not on the presumptive list?
- Where can I get assistance?
- Important phone numbers to know
- Questions and discussion

Why is a VA Disability Rating Important?

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- ❑ Makes the condition a matter of record
- ❑ Gives you priority in VA health care system
- ❑ Establishes the service connection if condition worsens
- ❑ Provides tax free VA compensation
- ❑ Can provide additional benefits and payments:
 - ▣ Combat Related Special Compensation **or**
 - ▣ Concurrent Retirement and Disability Pay for over 50% disability
- ❑ Supports service-connected death claim

Vietnam Presumptive Agent Orange Condition

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- Veterans who served anywhere in Vietnam between January 9, 1962 and May 7, 1975 are presumed to have been exposed to herbicides

<http://www.publichealth.va.gov/exposures/agentorange/vietnam.asp>

- Presumptive service connected conditions:

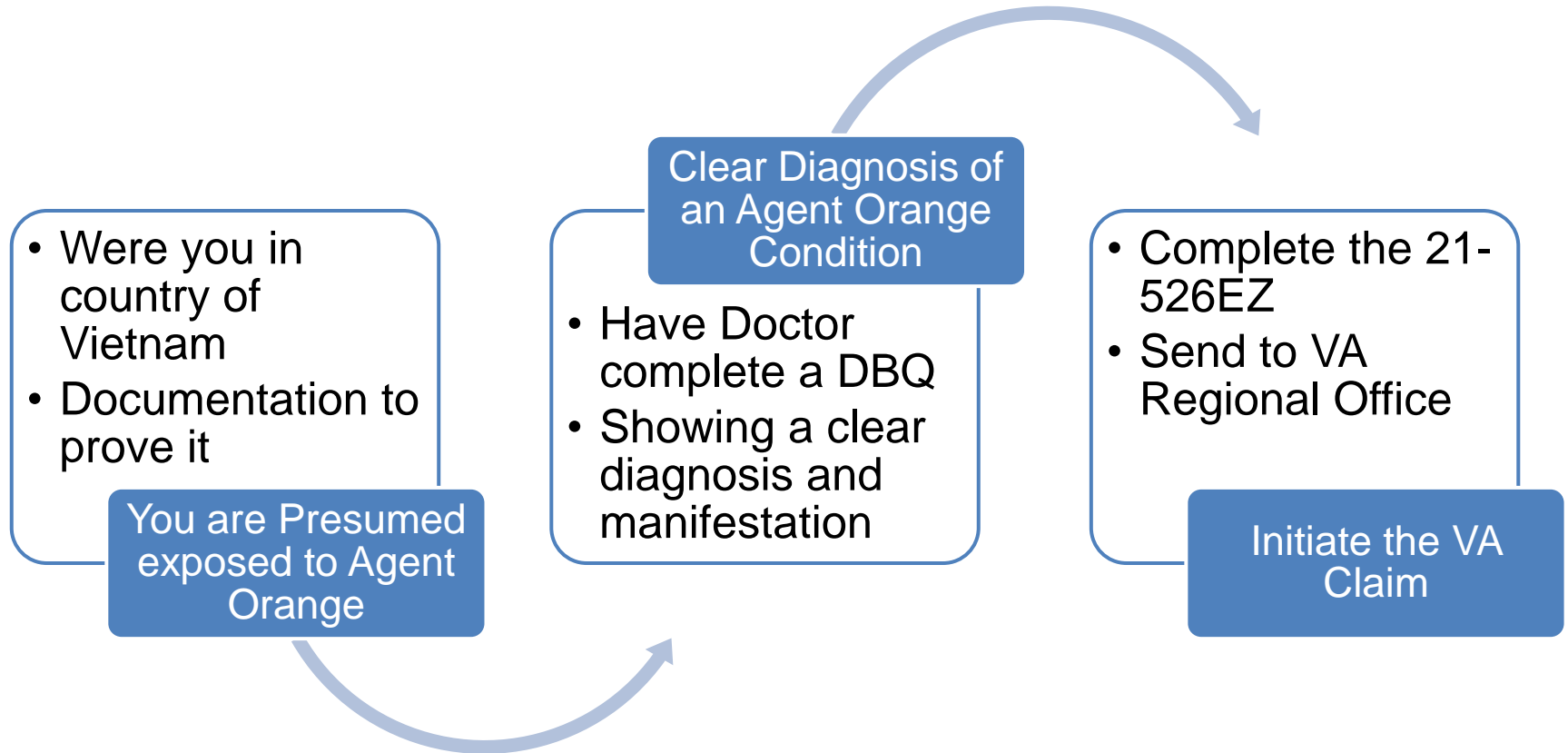
- [Acute and Subacute Peripheral Neuropathy](#)
- [AL Amyloidosis](#)
- [Chloracne \(or Similar Acneform Disease\)](#)
- [Chronic B-cell Leukemias](#)
- [Diabetes Mellitus \(Type 2\)](#)
- [Hodgkin's Disease](#)
- [Ischemic Heart Disease](#)
- [Multiple Myeloma](#)
- [Soft Tissue Sarcoma \(other than Osteosarcoma, Chondrosarcoma, Kaposi's sarcoma, or Mesothelioma\)](#)
- [Non-Hodgkin's Lymphoma](#)
- [Parkinson's Disease](#)
- [Porphyria Cutanea Tarda](#)
- [Prostate Cancer](#)
- [Respiratory Cancers](#)

Agent Orange Claims Process

- How and where to file
- What to expect after submission of a claim
- Understanding how a decision is made
- VA compensation

Presumptive Agent Orange Claim Submission

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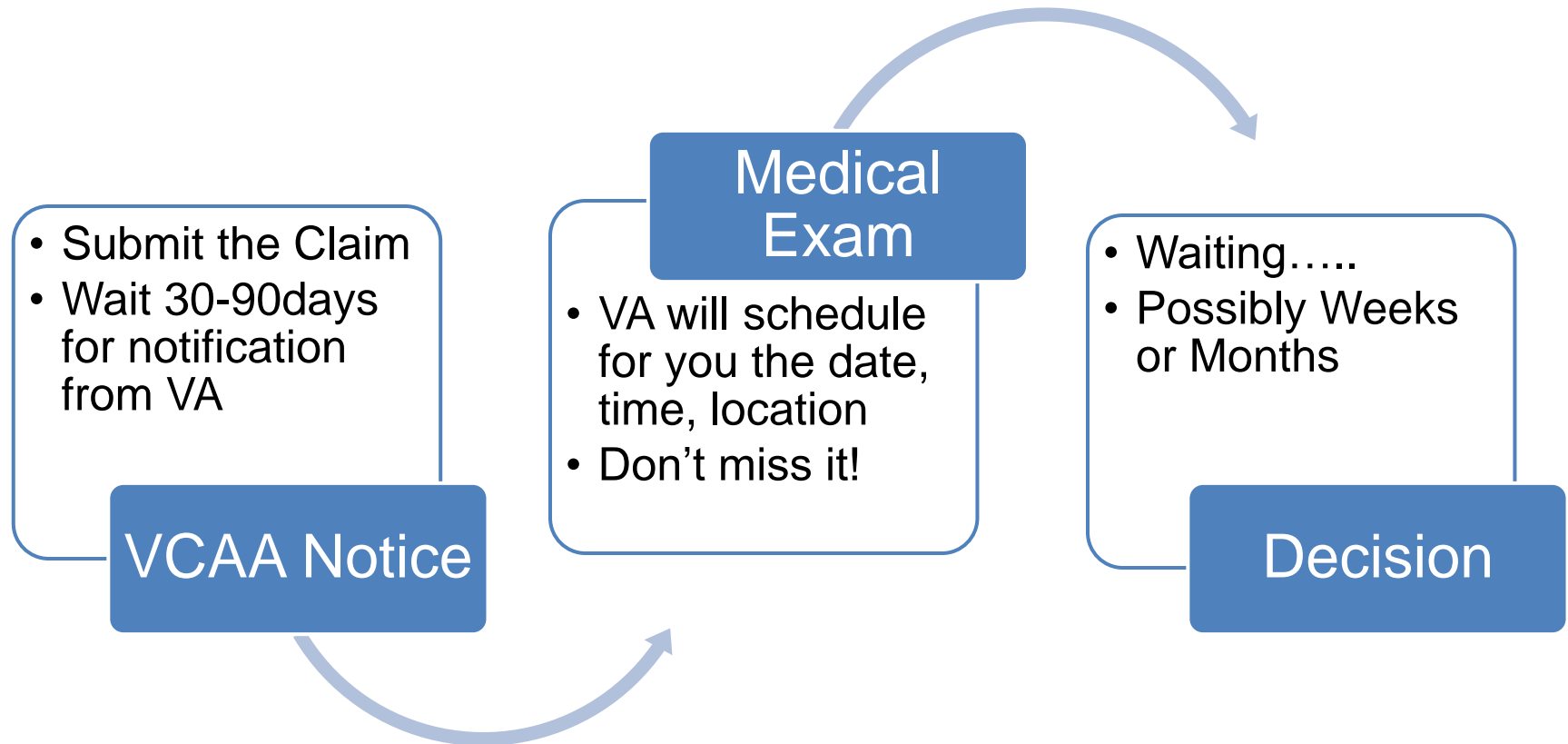
VA Claim Submission Process – A Step by Step Guide

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- First, complete a fully developed VBA-21-526EZ
<http://www.vba.va.gov/pubs/forms/VBA-21-526EZ-ARE.pdf>
- Include with the VBA-21-526EZ
 - ▣ DBQ completed by your treating doctor for your agent orange condition
http://www.benefits.va.gov/compensation/dbq_ListByDBQFormName.asp
 - ▣ DD-214 showing time in country of Vietnam
 - Don't have a DD-214? Go to National Archives and request one
<http://www.archives.gov/veterans/military-service-records/>
- Mail to your local VA Benefits Administration Regional Office
<http://benefits.va.gov/benefits/offices.asp>
- You can also do a claim via on-line through Ebenefits
<https://www.ebenefits.va.gov/ebenefits-portal/ebenefits.portal>

Presumptive Agent Orange Process

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VA Claim Process – Next Steps

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- Wait... and then in 30-90 days the VA will send you acknowledgement of the claim
- They may also send a VCAA notice or 5103 Waiver which may ask for a duplication of paperwork already sent

Do not resend paperwork

- Next, you may be called to a medical exam by a contracted doctor – QTC
- It takes on average 1 year for claims to be adjudicated

How does the VA make their decision?

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- ❑ The VA is bound by the Code of Federal Regulation
- ❑ The Disability Benefits Questionnaire your doctor completes puts medical information into a format that the VA can understand per the regulations
- ❑ Once the VA determines time in country of Vietnam and the clear diagnosis of the presumptive agent orange condition, then the VA looks at how severe the condition is per the Code of Federal Regulation

Example of CFR

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7005 Arteriosclerotic heart disease (Coronary artery disease): Ischemic Heart Disease

With documented coronary artery disease resulting in: Chronic congestive heart failure, or; workload of 3 METs or less results in dyspnea, fatigue, angina, dizziness, or syncope, or; left ventricular dysfunction with an ejection fraction of less than 30

Percent 100

More than one episode of acute congestive heart failure in the past year, or; workload of greater than 3 METs but not greater than 5 METs results in dyspnea, fatigue, angina, dizziness, or syncope, or; left ventricular dysfunction with an ejection fraction of 30 to 50

Percent 60

Workload of greater than 5 METs but not greater than 7 METs results in dyspnea, fatigue, angina, dizziness, or syncope, or; evidence of cardiac hypertrophy or dilatation on electrocardiogram, echocardiogram, or X-ray

Percent 30

Workload of greater than 7 METs but not greater than 10 METs results in dyspnea, fatigue, angina, dizziness, or syncope, or; continuous medication required

Percent 10

The Decision

- Finally, you will receive a VA Award Letter and Rating Decision
 - ▣ Notice the Rating Decision will clearly outline the CFR, why the VA decided the claim as they did, and what medical information is needed to achieve a higher percentage
- Important items: Making it a matter of record
 - ▣ 0% - This is NOT a denial of benefits; it simply means the VA acknowledges the condition as service connected, but it does not warrant compensation per the CFR
 - ▣ 10% or higher - You can go to any VA medical center and at no cost obtain eye glasses and hearing aids

VA Compensation

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For Service-Connected Disabilities

	single	with spouse
10%	\$129	\$129
20%	\$255	\$255
30%	\$395	\$442
40%	\$569	\$631
50%	\$810	\$888
60%	\$1,026	\$1,120
70%	\$1,293	\$1,402
80%	\$1,503	\$1,628
90%	\$1,689	\$1,830
100%	\$2,816	\$2,973

Death Benefits

- VA benefits at death
- Prepare your survivors – Important Documents

VA Benefits at Death

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- None if the death certificate does not list a condition that is service connected
- If death is due to a service-connected condition:
 - Any Condition for which a veteran is service connected or is considered presumptive should be clearly listed on the death certificate for the VA to grant benefits
 - For example, if service connected for presumptive agent orange *lung cancer*, then *lung cancer* must be listed on the death certificate
 - Partial refund of SBP payments (if SBP selected)
 - Portion of SBP paid tax free by the VA (\$1,215)
 - If no retired pay, \$1,215 is paid tax free to spouse
 - VA Burial Benefit of up to \$2,000
- Surviving spouse must apply for these death benefits

Important Documents

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- ❑ DD-214 / Statement of Service
- ❑ Marriage / Divorce Documents
- ❑ VA Award Letters
- ❑ Insurance Policies
- ❑ Social Security Card
- ❑ Wills / Powers of Attorney
- ❑ Trust Documents



What if your condition is not on Presumptive Agent Orange List?

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- ❑ If you have a condition that is not on the presumptive agent orange list but feel it is attributed to agent orange, submit a claim anyway
 - ❑ Makes it a matter of record
 - ❑ If the Agent Orange List is amended to include the condition, then you will receive retro payment

Agent Orange Registry Exam

<http://www.publichealth.va.gov/exposures/agentorange/registry.asp>

Seek assistance from a Veteran Service Organization

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- Veteran Service Organizations such as the Disabled American Veterans (DAV) help veterans with VA claims at no cost without any membership requirement
- Contact your local DAV office for help:
<http://www.dav.org/veterans/find-your-local-office/>
- Find a Mobile Service Office near you:
<http://www.dav.org/wp-content/uploads/MSOSchedule.pdf>

Seek assistance from AAFMAA

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- Grandfathered members
 - Joined AAFMAA before 1 July 2000
- For those who joined AAFMAA after 1 July 2000...
 - We now provide you assistance in the coordination of your VA benefits, along with three other valuable services.
 - We have bundled these services into an offering entitled **Premier Services**. For more information...
 - Go to www.aafmaa.com
 - Call 1-800-522-5221

Important Phone Numbers

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- Survivor Benefit Plan (SBP)
 - <http://militarypay.defense.gov/survivor/sbp/index.html>
- Veterans Administration
 - 1-800-827-1000
 - www.va.gov
- Retired Pay (DFAS – Cleveland)
 - 1-800-321-1080
 - <http://www.dfas.mil/retiredmilitary.html>

Questions and Discussion

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