



**Department of
Veterans' Services**

COMPENSATION 101

11/14/2023

SERVICE CONNECTION/COMPENSATION 101

Who is a Veteran?

By statute, a **Veteran** is **defined** as a “person who served in. the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.



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What is a Service Connected Disability

Disability compensation is a monetary benefit paid to **Veterans** who are determined by **VA** to be disabled by an injury or illness that was incurred or aggravated during active military **service**.
These **disabilities** are **service connected**.



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WHAT ARE THE GOVERNING LAWS FOR VA

- 38 U.S.C. – Veterans Benefits written by Congress – 6 parts
- 38 C.F.R. – Pension, Bonuses, and Veterans' Relief – 2 Chapters
- The *M21-1* (“*The Manual*”) - provides procedural guidance for Veterans Benefits Administration (VBA) on how to process Veterans' claims.



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Three Elements of Service Connection

- **Current diagnosis of a chronic condition, and**
- **An in-service event, injury or illness, and**
- **A medical nexus between the current disability and the in-service event.**



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5 WAYS TO...

Direct

Secondary

Aggravated

Presumptive

1151



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1. Direct Service connection – disease or injury that occurred in service.

2. Secondary service connection is a particular disease or injury was proximately due to, or the result of, an SC condition.



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3. Aggravation is when a NSC injury or disease existed prior to entering active duty or after military separation and increased in severity due to military service and the increased severity is not due the natural progression of the NSC disability.



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4. Benefits under 38 U.S.C. 1151 - additional disability or death due to VA hospital care, medical or surgical treatment, examination, VR&E services, or compensated work therapy program.

5. Presumptive service connection is considered when diseases or conditions are 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 guiding regulation even if there is no evidence of such disease during service.



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What veterans were exposed to Agent Orange?

- **Boots on ground or the inland waterways of Vietnam from 2/28/1961 – 5/7/1975**
- **Blue Water Navy Act – served within the 12 nautical miles off the coast of Vietnam and Cambodia between 1/6/62 – 5/7/1975**
- **Korean DMZ between 1/1/1967 – 8/31/1971**
- **Thailand between 1/9/1962 – 6/30/1976**
- **Laos between 12/1/1965 – 9/30/1969**
- **Johnston Island between 1/1/1972- 9/30/1977**
- **Guam or American Samoa between 1/9/1962 – 7/30/1980**
- **Any AF or AFR member who regularly and repeatedly operated, maintained or served aboard C-123 aircraft as part of Operation Ranch Hand.**

38 C.F.R 3.309(e) – Herbicide exposure (Agent Orange)

AL amyloidosis

Type 2 diabetes

Hodgkin's disease

Ischemic heart disease

All chronic B-cell leukemias

Multiple myeloma

Non-Hodgkin's lymphoma

Parkinson's disease or Parkinson like symptoms (Parkinsonism)

Prostate cancer

Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea)

Bladder Cancer

Soft-tissue sarcoma

Hypothyroidism

Monoclonal Gammopathy (MGUS)

Hypertension



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What veterans
were exposed
to contaminated
water at Camp
Lejeune?

**Served on Camp Lejeune for 30
days or more from 8/1/1953 –
12/31/1987 or
on Marine Corp Air Station New
River from 8/1/1953-12/31/1987.**



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38 C.F.R 3.309(f) – Camp Lejeune

- (1) Kidney cancer.
- (2) Liver cancer.
- (3) Non-Hodgkin's lymphoma.
- (4) Adult leukemia.
- (5) Multiple myeloma.
- (6) Parkinson's disease.
- (7) Aplastic anemia and other myelodysplastic syndromes.
- (8) Bladder cancer.



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What Veterans are considered Gulf War Veterans?

- Served in the Southwest Asia theater of operations from 8/2/1990 to present
- *Southwest Asia theater of operations* refers to Iraq, Kuwait, Saudi Arabia, the neutral zone between Iraq and Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, the Arabian Sea, the Red Sea, and the airspace above these locations.
- Served in Afghanistan on or after 9/19/2001 for infectious diseases only.



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38 C.F.R 3.317 – infectious disease occurring in Persian Gulf Veterans

- (i) Brucellosis - has infectious 18 diseases associated as a long-term effect
- (ii) Campylobacter jejuni. – has 3 infectious diseases associated as a long-term effect
- (iii) Coxiella burnetii (Q fever) – has 5 disease associated as a long-term effect
- (iv) Malaria – has 11 infectious diseases associated as a long-term effect.
- (v) Mycobacterium tuberculosis - 2 infectious diseases associated as a long-term effect.
- (vi) Nontyphoid Salmonella – Reactive arthritis if manifest within 3 months of the infection.
- (vii) Shigella – has 2 infectious diseases associated as a long-term effect
- (viii) Visceral leishmaniasis – has 3 infectious diseases associated as a long-term effect.
- (ix) West Nile virus – variable physical , functional or cognitive disabilities.



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What Veterans were exposed to Burn Pits?

Service on or after August 2, 1990, in any of the following locations: Iraq, Bahrain, Kuwait, Oman, Saudi Arabia, Qatar, Somalia, and the United Arab Emirates.

Service on or after September 11, 2001, in any of the following locations: Afghanistan, Egypt, Uzbekistan, Djibouti, Syria, Lebanon, Yemen, and Jordan.



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What medical conditions are linked with burn pit exposure?

**** Asthma**

**** Sinusitis**

**** Rhinitis**

**** COPD**

**** Bronchiolitis**

**** Emphysema**

**** Granulomatous disease**

**** Interstitial lung disease**

**** Pleuritis**

**** Pulmonary Fibrosis**

**** Brain Cancer**

**** Sarcoidosis**

**** Glioblastoma**

**** Head Cancers**

**** Neck Cancers**

**** Respiratory Cancers**

**** Reproductive Cancers**

**** Lymphoma**

**** Kidney Cancer**

**** Pancreatic Cancer**

What is an Intent to file and why is it important?

Intent to file (ITF) is a communication to VA informing them a veteran intends to file a claim. This can be accomplished by:

- VA Form 21-0966, Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC
- contacting a national call center at 1-800-827-1000
- **initiating** an application for benefits via
 - eBenefits/VDC
 - Stakeholder Enterprise Portal (SEP), or
 - Digits-to-Digits (D2D), or
 - contacting a Veterans Service Center (VSC)/pension management center (PMC) employee by telephone or in person.

An Intent to file (ITF) is important as it allows the VA to grant entitlement to benefits from a date prior to the date of claim as long as the formal claim is received within one year of the date the VA received the ITF.



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Dependents

- **30%** or more service connected will received additional compensation for dependents.
- Spouse: If marriage to veteran is valid under the law where parties resided.
- Child: Biological offspring of a veteran
Legally adopted prior to 18th birthday
Stepchild if living with veteran
Student between 18-23 who is a member of veteran's household.
- Parent – mother or father by birth, adoption or a person who stood in as parents for more than 1 year.
- Complete VA FM 21-686c to add or remove dependents.

Post Traumatic Stress Disorder (PTSD)

- **Post-traumatic Stress Disorder is an anxiety disorder that develops as a result of a stressful event; it may develop hours, months, or years after the stressor. In order to grant service connection, there must be:**

Medical evidence establishing a diagnosis

Credible supporting evidence that in-service stressor occurred

A nexus (link) established by medical evidence between current problems or symptoms and the claimed stressor

PTSD due to Combat

38 CFR 3.304(f)(2), states that “if the evidence establishes that the Veteran engaged in combat with the enemy and the claimed stressor is related to that combat, in the absence of clear and convincing evidence to the contrary and provided that the claimed stressor is consistent with the circumstances, conditions, or hardships of the Veteran's service, the Veteran's lay testimony alone may establish the occurrence of the claimed in-service stressor.



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Combat decorations

Air Force Achievement Medal with "V" Device

Air Force Commendation Medal with "V" Device

Air Medal with "V" Device

Bronze Star Medal with "V" Device

Combat Action Ribbon (CAR) (Note: Prior to February 1969, the Navy Achievement Medal with "V" Device was awarded.)

Combat Aircrew Insignia

Combat Medical Badge

**Distinguished Service Cross
Insignia**

Joint Service Commendation Medal with "V" Device

Navy Commendation Medal with "V" Device

Purple Heart

Air Force Combat Action Medal

Air Force Cross

Army Commendation Medal with "V" Device

Combat Action Badge (CAB)

Combat Infantry/Infantryman Badge (CIB)

Flying Cross

Fleet Marine Force (FMF) Combat Operations

Medal of Honor

Navy Cross

Silver Star



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PTSD due to Personal Trauma

Personal trauma is an event of human design that threatens or inflicts harm. The perpetrator is not considered part of an enemy force.

Examples:

- **Assault**
- **Battery**
- **Robbery**
- **Mugging**
- **Stalking**
- **Harassment – although more difficult to corroborate, should not be ruled out as a stressor**



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PTSD due to Military Sexual Trauma (MST)

**Is a subset of personal trauma and
refers to:**

**sexual harassment,
sexual assault, or
rape**

that occurs in a military setting.

How to corroborate a Personal Trauma to include MST

- a rape crisis center or center for domestic abuse
- a counseling facility or health clinic
- family members or roommates
- civilian police reports
- medical reports from civilian physicians or caregivers who treated the Veteran immediately following the incident or sometime later
- a chaplain or clergy
- fellow service members
- personal diaries or journals

Service records may indicate the Veteran exhibited behavior changes, such as:

- substance abuse
- requests for a transfer to another duty assignment
- deterioration in work performance
- panic attacks, anxiety, depression, etc.



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THE CLAIMS PROCESS

You File
The
Claim

VA Begins to
pull necessary
Records and
Evidence

A Rater Reviews
EVERYTHING
and makes a
decision (Rating
Decision).

VA
Receives
Claim

VA Schedules
C&P Exams (if
Necessary)



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