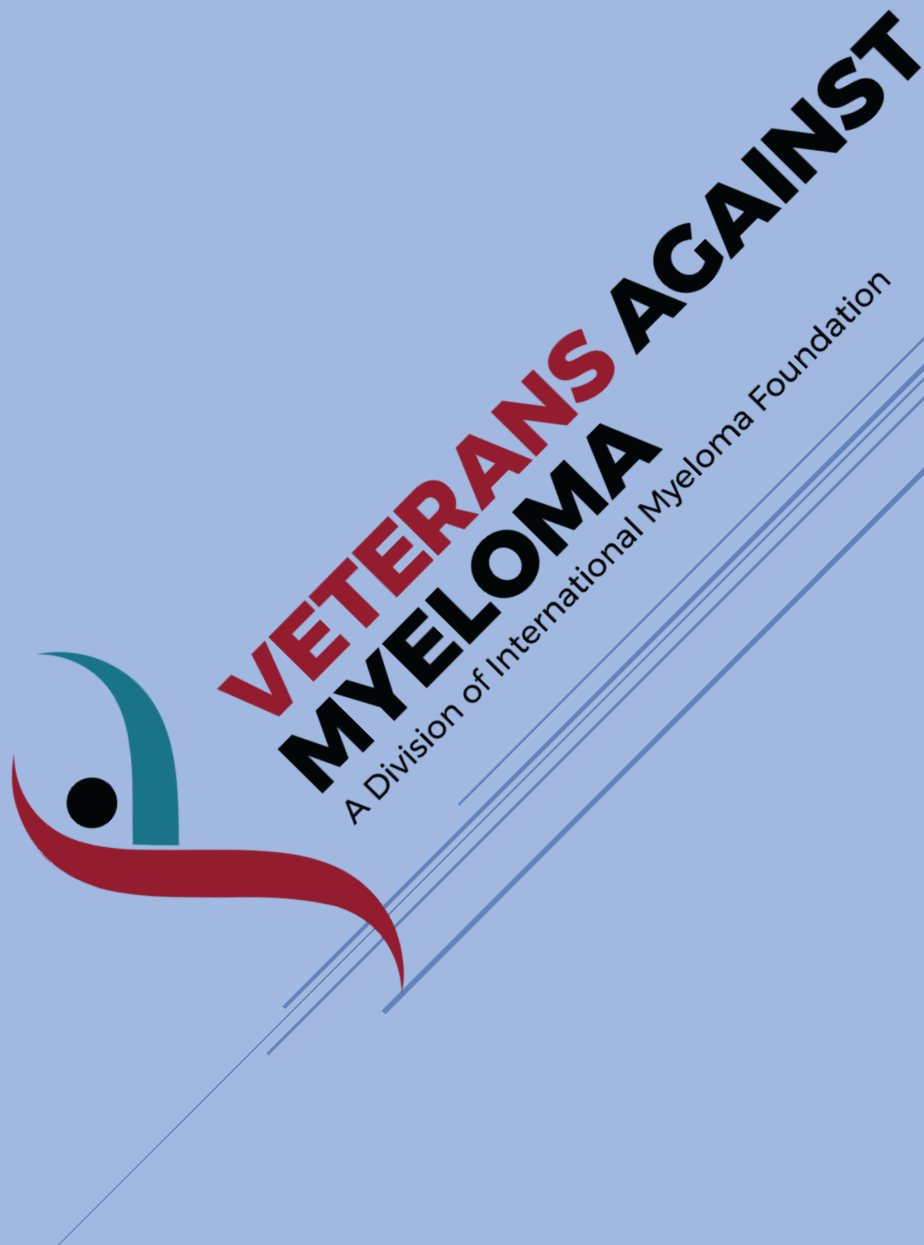


GUIDE TO VA BENEFITS

2018



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VETERANS AGAINST MYELOMA GUIDE TO VA BENEFITS

This guide is intended to help Veterans with myeloma, their caregivers and family navigate the VA claims process. The information provided is taken from various VA sources and reassembled into one cohesive narrative specific to multiple myeloma. If you find any of this information to be out of date, inaccurate, or unusable, please notify us immediately so that we may update this guide for all our VAM members.

The IMF is here to help. If you have trouble in working with the VA or using this guide, please contact our Infoline at **800-452 CURE (2873)**. A live operator will answer your questions Monday through Friday, 0900 – 1630 pacific standard time.

Disclaimer

Veterans Against Myeloma (VAM) and the International Myeloma Foundation (IMF) is not a law firm or a legal service provider, and it is not affiliated with any such group. We do not provide legal advice. No response to inquiries about cases or legal services will be provided. IMF and VAM do not endorse any position advocated in any of the materials it cites and does not take any responsibility for the accuracy of any of the materials cited.

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General VA Claims Process Overview

Please note this information is taken directly from the VA's website. The "we" referred to in this section is the VA.

Evidence

When you file a claim for disability benefits, you'll need to gather all related evidence (supporting documents like a doctor's report or medical test results) so we can decide on your claim. You may have some of these documents—or be able to easily get them—but we'll need your permission to get others. [File a claim now.](#)

The documents you'll need to provide include:

- Your DD214 or other separation documents
- Service treatment records (if you have them)
- Medical evidence related to your illness or injury

We're responsible for:

- Getting related records from:
 - Any federal agency (including the military)
 - VA medical centers (including private facilities where VA has authorized treatment)
 - The Social Security Administration
- Providing a medical exam or getting a doctor's opinion, if needed to decide the claim

You're responsible for:

- Getting related records not held by a federal agency. These may include records from:
 - State or local governments
 - Private (non-VA) doctors and hospitals
 - Current or former employers
- Giving us any information, we may need to get other records

Example

A Veteran filed a disability claim that included prior treatment from a private doctor and a prior Social Security disability award. In this case, we were responsible for getting the Social Security records. We also helped to get the private doctor's records, but the Veteran was responsible for making sure we got those.

Evidence Procedures for Fully Developed Claims and Standard Claims

Fully Developed Claims

The Fully Developed Claims (FDC) program lets you resolve your claim faster. You'll need to send these items when you file your formal claim:

- All related service-treatment and personnel records
- Any related private medical records

We consider disability claims to be fully developed when you have no more evidence to send and the only help you need from us is getting federal records and providing—or helping to provide—added medical exams or doctors' opinions. If we discover that there are other private records we need to decide your claim, we'll remove your claim from the FDC program and review it through the traditional claims process. [Learn more about the FDC program.](#)

Standard Claims

With standard claims, we take more responsibility for gathering related records from both federal and nonfederal sources that you identify and authorize. These may include:

- Privately held evidence and information that you tell us about (such as records from a private doctor or hospital), and
- Records from state or local governments or current or former employers

We'll provide a medical exam for you, or will get a doctor's opinion, if it's needed to make a claims decision. [Learn more about standard claims.](#)

Benefits

VA offers health care, health registry evaluations, disability compensation and other benefits to eligible Veterans. Their dependents and survivors also may be eligible for benefits.

Veterans may be eligible for disability compensation if they have a service-related disability and were discharged under other than dishonorable conditions.

[Learn more about the types of benefits available to Veterans and their families.](#)

Multiple Myeloma Specific Service Connections

In most cases, a Veteran with myeloma must show a causal link between the disease and their time in service, usually through exposure to a known cancer-causing chemical or agent, as well as showing a link between that exposure and their disease. This is often an uphill battle that can take time the Veteran does not have. As of March 2018, the average wait time for the VA to make a decision is 102.3 days.

However, there are certain circumstances that exist where a Veteran is either presumed to have been exposed to a known disease-causing agent through their time in a certain area and the later development of said disease is presumed to have been caused by their exposure, or exposure to a certain agent is presumed to have resulted in the development of a later disease, but proof is required to show such an exposure.

An easier way to think of it is this:

Presumed Exposure

If a Veteran is presumed to have been exposed to an agent and later developed a disease known by the VA to result from such an exposure, then that Veteran will not be required to provide proof of a specific incident of exposure in order to receive their benefits. Presumed exposure carries with it presumed causation. Specific instances that include a presumption of exposure will be marked with ****presumed exposure**** on our list.

Presumed Causation

If exposure to a certain agent is presumed to cause certain diseases, but there is no presumption of exposure, then a Veteran wishing to apply for benefits will need to prove on a factual basis that they were exposed to herbicides during their service as shown by evidence of daily work duties, performance evaluation reports, or other credible evidence before receiving benefits.

The following information is a list of instances where there may be presumed causation or exposure related to multiple myeloma. The information is presented in chronological order based on the first instance date.

Atomic Veterans (1945 - 1992)

****presumed exposure****

For Veterans who participated in a [radiation-risk activity](#) during service (including "Atomic Veterans"), VA assumes that certain cancers are related to their exposure, including myeloma.

"Atomic Veterans" is an unofficial term that refers to Veterans who:

- Participated in the occupation of Hiroshima and Nagasaki, Japan between Aug. 6, 1945 and July 1, 1946;
- Were prisoners of war in Japan during World War II; or
- Participated in atmospheric nuclear weapons tests conducted primarily in Nevada and the Pacific Ocean between 1945 and 1962

([Read fact sheets on the tests](#) from the Nuclear Test Personnel Review office.)

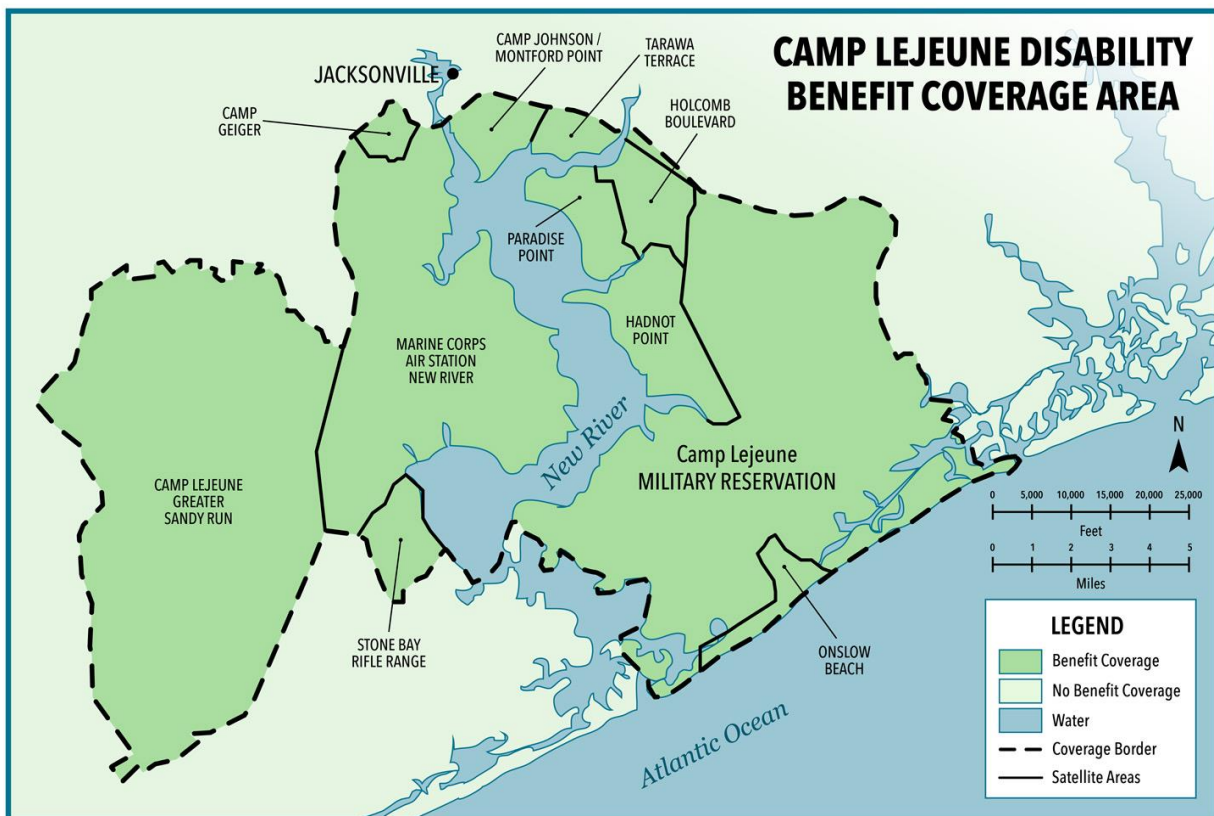
Presumption of exposure is also extended to Veterans who participated in underground nuclear weapons testing at:

- Amchitka Island, Alaska before Jan. 1, 1974; or
- One of the following gaseous diffusion plants for at least 250 days before Feb. 1, 1992: Paducah, Kentucky; Portsmouth, Ohio; or K25 in Oak Ridge, Tennessee.

Camp Lejeune, North Carolina (1953 - 1987)

****presumed exposure****

The VA has established a presumptive service connection for Veterans, Reservists, and National Guard members and their families exposed to contaminants in the water supply at Camp Lejeune from August 1, 1953 through December 31, 1987 who later developed myeloma. [Please click here for more information.](#)



[Camp Lejeune Families Act of 2012](#)

In accordance with the 2012 Camp Lejeune health care law, VA provides cost-free health care for certain conditions to Veterans who served at least 30 days of active duty at Camp Lejeune from January 1, 1957 and December 31, 1987. Qualifying health conditions include Multiple Myeloma.

Veterans eligible for health care under the 2012 Camp Lejeune health care law may enroll in VA health care and receive medical services for the 15 covered health conditions at no cost (including copayments).

Family members of Veterans are eligible for reimbursement of out-of-pocket medical expenses related to the 15 covered health conditions. VA can only pay treatment costs that remain after payment from your other health plans.

Not yet enrolled in VA health care? [Apply online](#) or call 1-877-222-8387 for help. Inform VA staff that you served on active duty at Camp Lejeune for at least 30 days during the covered time period.

What type of evidence can I submit with my application?

- Documentation showing dependent relationship to a Veteran who served at Camp Lejeune, such as marriage license or birth certificate
- Documentation showing you lived on the base for 30 days or more between Aug. 1, 1953 and Dec. 31, 1987 such as copies of orders or base housing records
- You paid health care expenses for a covered condition respective to the following date ranges.
 - If you lived on Camp Lejeune between January 1, 1957 and December 31, 1987, then you can be reimbursed for care that you received on or after August 6, 2012
 - If you lived on Camp Lejeune between August 1, 1953 and December 31, 1956, then you can be reimbursed for care that you received on or after December 16, 2014

When evidence is not submitted, VA will use all relevant evidence from internal sources and the Department of Defense (DoD) to support your application. Please be aware it may take longer to review your application.

Vietnam Era Veterans (1962 - 1975)

****some presumed exposure, see list for details****

If you are a Vietnam Veteran who served in-country on the soil or inland waterways of Vietnam, then you are presumed to have been exposed to the herbicide known as Agent Orange. Any exposure to Agent Orange or other herbicides during this timeframe are presumed to have caused myeloma. Veterans who qualify for presumption of herbicide exposure are not required to show they were exposed to Agent Orange or other herbicides when seeking VA compensation for diseases related to Agent Orange exposure. Those who do not qualify must show exposure on a factual basis.

Additionally, many Veterans who served during the Vietnam Era outside of Vietnam are also eligible for benefits for myeloma under a presumption of causation with proof of exposure. This requires the Veteran to show on a factual basis that they were exposed.

Evidence Needed

If you are seeking service connection for one of the diseases VA presumes is associated with exposure to herbicides during service, VA requires the following:

- A medical diagnosis of a disease which VA recognizes as being associated with Agent Orange (myeloma is on listed)
- Competent evidence of
 - **(presumed exposure)** service in Vietnam or at or near the Korean demilitarized zone during the dates shown above, **or**
 - **(presumed causation)** exposure to herbicides in a location other than the Vietnam or the Korean demilitarized zone.
- Competent medical evidence that the disease began within the deadline (there should be no deadline for myeloma). (See [38 CFR 3.307\(a\)\(6\)\(ii\)](#) for more information on deadlines.)

The VA offers eligible Veterans a free [Agent Orange Registry health exam](#) for possible long-term health problems related to exposure.

The following is a complete list of Veterans eligible for benefits related to Agent Orange by location. Where dates differ from the general time range of Vietnam Era Veterans, it is noted.

Exposure to Agent Orange in Vietnam

****presumed exposure****

Having physically set foot in Vietnam, anytime between January 9, 1962 and May 7, 1975, including brief visits ashore or service aboard a ship that operated on the inland waterways of Vietnam. This includes both [U.S. Navy and Coast Guard ships operating in Vietnam](#).

LIST OF SHIPS KNOWN TO HAVE OPERATED IN VIETNAM DURING THE ELIGIBLE TIME PERIOD

Korean Demilitarized Zone (1968-1971)

****presumed exposure****

In or near the Korean demilitarized zone anytime between April 1, 1968 and August 31, 1971.

Thailand Military Bases (1961-1975)

Veterans who served on or near the perimeters of **military bases in Thailand** during the Vietnam Era.

Air Force Veterans who served on Royal Thai Air Force (RTAF) bases at U-Tapao, Ubon, Nakhon Phanom, Udorn, Takhli, Korat, and Don Muang, near the air base perimeter anytime between February 28, 1961 and May 7, 1975.

Army Veterans who provided perimeter security on RTAF bases in Thailand anytime between February 28, 1961 and May 7, 1975.

Army Veterans who were stationed on some small Army installations in Thailand anytime between February 28, 1961 and May 7, 1975. However, the Army Veteran must have been a member of a military police (MP) unit or was assigned an MP military occupational specialty whose duty **placed him/her at or near the base perimeter**.

Herbicide Tests and Storage Outside Vietnam

Veterans who served where herbicides were **tested and stored outside of Vietnam**. This includes Veterans associated with Department of Defense (DoD) **projects** to test, dispose of, or store herbicides in the U.S.

C-123 Airplanes and Agent Orange Residue (1969-1986)

****presumed exposure****

Veterans who were crew members on or around **C-123 planes flown after the Vietnam War**. VA has determined there is evidence of exposure to Agent Orange for Air Force and Air Force Reserve members who served during the period 1969 through 1986 and regularly and repeatedly operated, maintained, or served onboard C-123 aircraft (known to have been used to spray an herbicide agent during the Vietnam era).

This includes the following members:

Active duty personnel who served in a regular USAF unit location where a contaminated C-123 was assigned who had regular contact with the aircraft through flight, ground, or medical duties between 1969 and 1986, and who developed an Agent Orange related disability.

Reservists who were assigned to flight, ground, or medical crew duties at the following locations between 1969 and 1986, and who developed an Agent Orange related disability.

- Lockbourne/Rickenbacker Air Force Base in Ohio (906th and 907th Tactical Air Groups or 355th and 356th Tactical Airlift Squadron)
- Westover Air Force Base in Massachusetts (731st Tactical Air Squadron and 74th Aeromedical Evacuation Squadron)
- Pittsburgh, Pennsylvania, International Airport (758th Airlift Squadron)

For more information about service qualifications and other eligibility criteria, visit the [Agent Orange C-123 web page](#).

Blue Water Veterans

If you are a Blue Water Navy Vietnam Veteran who served within the territorial waters (12 miles from the shore of Vietnam) and your ship is not listed under the exposure to Agent Orange section above, then you must provide a documented instance of exposure.

Blue Water Veterans are not presumed to have been exposed to Agent Orange or other herbicides.

There is currently legislation supported by the IMF in both the House ([H.R.299](#)) and Senate ([S. 422](#)) to provide the same presumption of service connection as those listed above. Please contact your members of Congress and ask them to support these bills.

*****Update*****

On June 25, 2018, the House of Representatives passed H.R. 299, the Blue Water Navy Vietnam Veterans Act of 2017 with a vote of 382 to 0. The legislation intends to extend a presumptive service connection to military veterans who served on the coastal waters of Vietnam during the Vietnam War for certain diseases, such as multiple myeloma, that are caused by exposure to Agent Orange and other herbicides. Following the vote in the House, the bill will make its way to the Senate, where its companion bill, S. 422, has wide bipartisan support.

Gulf War Veterans (1990 – Present)

Includes Operations Desert Shield and Desert Storm, Operation Iraqi Freedom and Operation New Dawn

There is currently no presumptive service connected exposures for Gulf War Veterans. Gulf War Veterans who wish to make a claim for benefits with the VA will be required to provide a documented case of exposure to a harmful agent that likely resulted in the later development of myeloma. A list of exposures for Gulf War Veterans can be [found here](#).

If there is no presumption of causation for an exposure related development of myeloma, the Veteran will need to prove the connection between their service and their development of myeloma. This will likely require letters from your doctor stating their medical opinion that some event related to your time in service was a direct cause of your current condition.

If you are a Gulf War Veteran who has made a successful claim for benefits related to exposure and multiple myeloma, and you are comfortable sharing your story, please contact Ray Wezik at rwezik@myeloma.org so that we can provide better information to other Veterans.

In order to help the VA make better assessments for benefit compensation, please consider joining the [Gulf War Registry](#) and the [Airborne Hazards and Open Burn Pit Registry](#) to document your exposures and health concerns.

Afghanistan War Veterans (2001 – Present)

Operation Enduring Freedom

Like Gulf War Veterans, there are currently no presumptive service connected exposures for Afghanistan War Veterans. Afghanistan War Veterans who wish to make a claim for benefits with the VA will be required to provide a documented case of exposure to a harmful agent that likely resulted in the later development of myeloma. A list of exposures for Afghanistan War Veterans can be [found here](#).

If there is no presumption of causation for an exposure related development of myeloma, the Veteran will need to prove the connection between their service and their development of myeloma. This will likely require letters from your doctor stating their medical opinion that some event related to your time in service was a direct cause of your current condition.

If you are a Afghanistan War Veteran who has made a successful claim for benefits related to exposure and multiple myeloma, and you are comfortable sharing your story, please contact Ray Wezik at rwezik@myeloma.org so that we can provide better information to other Veterans.

Occupational Hazard Exposure

Even if you were never deployed, your MOS could have brought you into contact with dangerous chemicals or agents while painting vehicles, working around a nuclear submarine or storing weapons. Please explore the [“exposures” page of the VA website](#) to determine if you may qualify. If you need assistance, the IMF or one of the Veteran Resources listed under our Resources page on our website may be able to help.

Veterans Against Myeloma

Understanding Authoritative Bodies

Title 38 of the Code of Federal Regulations

Pensions, Bonuses, and Veterans' Relief

Title 38 of the Code of Federal Regulations (CFR) is the principal set of rules and regulations issued by federal agencies of the United States regarding pensions, bonuses, and veterans' relief. In particular, 38 CFR 3.307 codifies the rules on what is considered a presumptive service connection (either presumptive exposure or causation) for all service members who served on or after January 1, 1947, as well as any time limitations on disease manifestation.

To help navigate regulations such as these, we will run through how this part of the CFR provides for Vietnam Era Veterans to receive benefits through the VA. Specifically Vietnam Veterans who served in Vietnam, Korea, or who operated, maintained or crewed a C123. Notes in red are VAM annotations meant to help explain this section and should not be taken as legal advice. Yellow highlights are for emphasis on important portions.

§3.307 Presumptive service connection for chronic, tropical, or prisoner-of-war related disease, disease associated with exposure to certain herbicide agents, or disease associated with exposure to contaminants in the water supply at Camp Lejeune; wartime and service on or after January 1, 1947.

(a) *General.* A chronic, tropical, or prisoner of war related disease, **a disease associated with exposure to certain herbicide agents**, or a disease associated with exposure to contaminants in the water supply at Camp Lejeune listed in §3.309 will be considered to have been incurred in or aggravated by service under the circumstances outlined in this section even though there is no evidence of such disease during the period of service. No condition other than one listed in §3.309(a) will be considered chronic.

This creates the service connection to the described exposure instances, including exposure to certain herbicides.

(1) *Service.* The veteran must have served 90 days or more during a war period or after December 31, 1946. The requirement of 90 days' service means active, continuous service within or extending into or beyond a war period, or which began before and extended beyond December 31, 1946, or began after that date. Any period of service is sufficient for the purpose of establishing the presumptive service connection of a specified disease under the conditions listed in §3.309(c) and (e). Any period of service is sufficient for the purpose of establishing the presumptive service connection of a specified disease under the conditions listed in §3.309(f), as long as the period of service also satisfies the requirements to establish a presumption of exposure to contaminants in the water supply at Camp Lejeune under paragraph (a)(7)(iii) of this section.

(2) *Separation from service.* For the purpose of paragraph (a)(3) and (4) of this section the date of separation from wartime service will be the date of discharge or release during a war period, or if service continued after the war, the end of the war period. In claims based on service on or after January 1, 1947, the date of separation will be the date of discharge or release from the period of service on which the claim is based.

Both paragraphs (1) and (2) set the rules regarding eligibility through service under this section, which includes the timeframe for those exposed to Agent Orange and other herbicides.

(6) *Diseases associated with exposure to certain herbicide agents.* (i) For the purposes of this section, the term “herbicide agent” means a chemical in an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, specifically: 2,4-D; 2,4,5-T and its contaminant TCDD; cacodylic acid; and picloram.

This is the beginning of the definitions section. Legal documents such as the CFR contain these sections to very narrowly specify what is and what is not being discussed in the rest of the code. This portion defines herbicide agent.

(Authority: 38 U.S.C. 1116(a)(4))

(ii) The diseases listed at §3.309(e) shall have become manifest to a degree of 10 percent or more at any time after service, except that chloracne or other acneform disease consistent with chloracne, porphyria cutanea tarda, and early-onset peripheral neuropathy shall have become manifest to a degree of 10 percent or more within a year after the last date on which the veteran was exposed to an herbicide agent during active military, naval, or air service.

This defines the timeframe for minimal disease manifestation. For myeloma, there is no time limitation.

(iii) A veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, shall be presumed to have been exposed during such service to an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service. The last date on which such a veteran shall be presumed to have been exposed to an herbicide agent shall be the last date on which he or she served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975. “Service in the Republic of Vietnam” includes service in the waters offshore and service in other locations if the conditions of service involved duty or visitation in the Republic of Vietnam.

This paragraph provides a presumption of exposure for those who served in the Republic of Vietnam, as well as defines that term to include those who served in the waterways of the country. This description has been interpreted by the VA to mean those who have set foot in the Republic of Vietnam or traversed the inland waterways of the country. See [Gray v. McDonald](#) for more information.

(iv) A veteran who, during active military, naval, or air service, served between April 1, 1968, and August 31, 1971, in a unit that, as determined by the Department of Defense, operated in or near the Korean DMZ in an area in which herbicides are known to have been applied during that period, shall be presumed to have been exposed during such service to an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service. *See also* 38 CFR 3.814(c)(2).

This paragraph provides a presumption of exposure for Veterans who served in Korea during the specified timeframe.

(v) An individual who performed service in the Air Force or Air Force Reserve under circumstances in which the individual concerned regularly and repeatedly operated, maintained, or served onboard C-123 aircraft known

to have been used to spray an herbicide agent during the Vietnam era shall be presumed to have been exposed during such service to an herbicide agent. For purposes of this paragraph, “regularly and repeatedly operated, maintained, or served onboard C-123 aircraft” means that the individual was assigned to an Air Force or Air Force Reserve squadron when the squadron was permanently assigned one of the affected aircraft and the individual had an Air Force Specialty Code indicating duties as a flight, ground maintenance, or medical crew member on such aircraft. Such exposure constitutes an injury under 38 U.S.C. 101(24)(B) and (C). If an individual described in this paragraph develops a disease listed in 38 CFR 3.309(e) as specified in paragraph (a)(6)(ii) of this section, it will be presumed that the individual concerned became disabled during that service for purposes of establishing that the individual served in the active military, naval, or air service.

This paragraph provides a presumption of exposure for Veterans who served in or around C-123’s that were used to spray herbicide agents during the Vietnam Era.

Veterans Against Myeloma

Chapter 14 Appeals of VA Claims

Veterans and other claimants for VA benefits have the right to appeal decisions made by a VA regional office, medical center or National Cemetery Administration (NCA) office. Typical issues appealed are disability compensation, pension, education benefits, recovery of overpayments, reimbursement for unauthorized medical services, and denial of burial and memorial benefits.

A claimant has **one year** from the date of the notification of a VA decision to file an appeal. The first step in the appeal process is for a claimant to file a written notice of disagreement with VA regional office, medical center or national cemetery office that made the decision. Following receipt of the written notice, VA will furnish the claimant a “Statement of the Case” describing what facts, laws, and regulations were used in deciding the case. To complete the request for appeal, the claimant must file a “Substantive Appeal” within 60 days of the mailing of the Statement of the Case, or within one year from the date VA mailed its decision, whichever period ends later.

Board of Veterans’ Appeals

The Board of Veterans’ Appeals (“the Board”) makes decisions on appeals on behalf of the Secretary of Veterans Affairs. Although it is not required, a veteran’s service organization, an agent, or an attorney may represent a claimant. Appellants may present their cases in person to a member of the Board at a hearing in Washington, D.C., at a VA regional office or by videoconference.

Decisions made by the Board can be found at www.index.va.gov/search/va/bva.html. The pamphlet, “Understanding the Appeal Process,” is available on the website or may be requested by writing: Mail Process Section (014), Board of Veterans’ Appeals, 810 Vermont Avenue, NW, Washington, DC 20420.

U.S. Court of Appeals for Veterans Claims

A final Board of Veterans’ Appeals decision that does not grant a claimant the benefits desired may be appealed to the U.S. Court of Appeals for Veterans Claims. The court is an independent body, not part of the Department of Veterans Affairs.

Notice of an appeal must be received by the court with a postmark that is within 120 days after the Board of Veterans’ Appeals mailed its decision. The court reviews the record considered by the Board of Veterans’ Appeals. It does not hold trials or receive new evidence.

Appellants may represent themselves before the court or have lawyers or approved agents as representatives. Oral argument is held only at the direction of the court. Either party may

appeal a decision of the court to the U.S. Court of Appeals for the Federal Circuit and may seek review in the Supreme Court of the United States.

Published decisions, case status information, rules and procedures, and other special announcements can be found at <http://www.uscourts.cavc.gov/>. The court's decisions can also be found in West's Veterans Appeals Reporter, and on the Westlaw and LEXIS online services. For questions, write the Clerk of the Court, 625 Indiana Ave. NW, Suite 900, Washington, DC 20004, or call (202) 501-5970.

Helpful Resources

Veterans Law Library

<http://www.veteranslawlibrary.com/index.htm>

Directory of Veterans Service Organizations

<https://www.va.gov/vso/>

Veteran Organizations

[The American Legion](#)

[AMVETS](#)

[Disabled American Veterans \(DAV\)](#)

[Veterans of Foreign Wars](#)

[Vietnam Veterans of America](#)

[National Association of American Veterans \(NAAV\)](#)

[Iraq Afghanistan Veterans of America \(IAVA\)](#)

[National Veterans Legal Services Program](#)

[Military Officers Association of America \(MOAA\)](#)

Updates:

[VA Regional Locations](#)

[Requesting your military records](#)

Veterans Against Myeloma