



VETERANS

LEGAL SERVICES

Federal Veterans Benefits

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MCLE/MLRI



Department Of Veterans Affairs – 2

Main Divisions

– Veterans Benefits Administration

- Regional Offices – Boston, Providence
- Pension Management Center – Philadelphia
- Debt Management Center – St. Paul
- National Cemetery Administration

– Veterans Health Administration

- VA Hospitals
- Community Based Outpatient Clinics
- Vet Centers

– Separate from Military Healthcare System

– Lack of communication between them is the norm

General Requirements for All VA Benefits

- Must have Veteran status and qualifying discharge – 38 USC § 101
 - Veteran Status = Active military, naval, or air service
 - Qualifying Discharge = Characterized as “Other Than Dishonorable” to be eligible for VA benefits
- Types of Discharge based on service record:
 - Honorable
 - General Under Honorable Conditions
 - General Under Other Than Honorable Conditions
 - Bad Conduct
 - Dishonorable
 - Uncharacterized

VA Benefits: Service-Connected Compensation

- Monetary payment for a disability caused or aggravated by military service – 38 USC 101(16)
- Requires veteran status and qualifying discharge
- Intended to replace lost earning capacity
- Originated post-WWII, tends to focus more heavily on physical disabilities
- Available regardless of income

VA Benefits: Service-Connected Compensation

- Elements of the claim –
 - Medical evidence of current disability
 - Evidence of in-service incurrence or aggravation, or appearance of symptoms during or immediately following military service
 - Nexus - Evidence that in-service injury and current disability are linked
 - Disability is not the result of willful misconduct

VA Benefits: Service-Connected Compensation

- Award is based on percentage of disability – As of 12/1/23 amounts range from \$171/month (10%) to \$3,737/month (100%) for veteran alone.
- Additional amounts paid if the veteran has dependents
 - Includes dependent parents, spouses, children, children over 18 who are full-time students, and adult children with disabilities
- Additional Amounts called Special Monthly Compensation are payable for loss of function or “loss of use,” if service connected – generally when a limb or system is damaged to the point of no longer being functional such as loss of a limb or eye, complete hearing loss, infertility/erectile dysfunction, mastectomy, etc.
- Temporary ratings at a higher rate are available for periods of rehabilitation/convalescence.

VA Benefits: Service-Connected Compensation

- Medical Evidence of Current Disability
 - Veteran must have an existing disability at the time of application. Consider the timing when applying for benefits based on a disability that goes through periods of remission.
 - VA has an obligation to provide a medical examination if medical opinion is necessary to decide claim. VA must also assist with gathering relevant records from federal agencies.
 - The Veteran should expect to be scheduled for a VA compensation and pension evaluation, even if they are already a regular VA patient. Multiple conditions may require multiple evaluations.
 - VA examiners are usually separate from the veteran's treating providers and often are Nurse Practitioners or Physician Assistants.

VA Benefits: Service-Connected Compensation

- Medical Evidence of Current Disability
 - VA “comp and pen” evaluations are based on the criteria in the VA rating schedule and not for treatment purposes.
 - It is a good idea to review the Disability Benefits Questionnaire with the veteran in advance of the appointment
https://benefits.va.gov/compensation/dbq_publicdbqs.asp
 - Non-VA medical records are helpful but there is no additional weight given to a regular treating provider.
 - A non-VA provider can complete the relevant Disability Benefits Questionnaire, and/or provide a letter with their opinion about the degree of the veteran’s disability and whether it is “as likely as not” that it was cause or aggravated by military service.

VA Benefits: Service-Connected Compensation

- Evidence of In-Service Incurrence or Aggravation
 - Veteran must show evidence of an event, injury, exposure, or disease that was incurred while serving in the Armed Forces.
 - Includes aggravation of pre-existing conditions:
 - Cannot claim results of natural progression of pre-existing conditions
 - Presumption of soundness: Unless a condition is listed on the veteran's entrance physical there is a presumption that they were in sound condition at the time they joined the military
 - Presumption of aggravation: Service is presumed to aggravate pre-existing conditions unless there is medical evidence to the contrary
 - Military personnel file and certain service treatment records can be obtained from the National Personnel Records Center
<https://www.archives.gov/veterans/military-service-records/standard-form-180.html>
 - Additional records may be available from the National Archives:
<https://www.archives.gov/veterans/military-service-records/frequently-requested-records>

VA Benefits: Service-Connected Compensation

- Nexus establishing that the current disability is connected to an in-service event
 - Direct service connection
 - Secondary service connection
 - Presumptive service connection
 - Conditions caused by exposure to radiation, burn pits, or Agent Orange; ALS; MS; etc.
 - Some disabilities have a “presumptive” time period where if the disability manifests itself within the presumptive period, service connection may be granted. Example – if psychosis manifests within two years of military discharge, it may be presumed that the condition arose in service.

VA Benefits: Service-Connected Compensation

- Relaxed rules for certain claims –
 - Combat-related injuries can be established as service-connected by veteran’s own account, if the veteran’s description is consistent with the terms of his or her service.
 - PTSD claims pending or filed after July 13, 2010 – if the claimed stressor is “fear of hostile military or terrorist activity,” and is consistent with the veteran’s service, then the diagnosis of PTSD is sufficient for service-connection if a VA doctor confirms the stressor is adequate to support the diagnosis – 38 USC § 3.304(f)

VA Benefits: Service-Connected Compensation

Sample from VA Ratings Schedule 38 CFR 4.1 et. seq.

5054 Hip, resurfacing or replacement (prosthesis):

For 4 months following implantation of prosthesis or resurfacing	100
Prosthetic replacement of the head of the femur or of the acetabulum:	
Following implantation of prosthesis with painful motion or weakness such as to require the use of crutches	90
Markedly severe residual weakness, pain or limitation of motion following implantation of prosthesis	70
Moderately severe residuals of weakness, pain or limitation of motion	50
Minimum evaluation, total replacement only	30

Full ratings schedule available at:
<https://www.benefits.va.gov/WARMS/bookc.asp#e>

VA Benefits: Service-Connected Compensation

- Unemployability - Veteran can receive a rating of total disability and be paid at 100% rate if they are rated at least 70% and can show that his or her service-connected disability subjectively makes him or her unemployable.
- A 0% rating is not compensable but still has its benefits.
- A veteran whose service-connected disability gets worse can file a new claim solely to increase the percentage rating.
- A claim for an increased rating is a new claim, not an appeal, and can be filed at any time.
- Ratings can go up or down! Be careful to make sure the veteran's symptoms are documented and objectively have worsened.
- When a veteran has two or more rated conditions you do not add percentages together. VA has a combined disability calculator available at: <https://www.va.gov/disability/about-disability-ratings/>

VA Benefits: Service-Connected Compensation

- How to Apply

- Apply online at <https://www.va.gov/disability/file-disability-claim-form-21-526ez/introduction> (requires creating a free account), OR

- Complete and submit Form 21-526
(<https://www.vba.va.gov/pubs/forms/vba-21-526ez-are.pdf>) to VA:

By Mail: DEPARTMENT OF VETERANS AFFAIRS

CLAIMS INTAKE CENTER

PO BOX 4444

JANESVILLE, WI 53547-4444

OR

Fax: 844-531-7818 & 248-524-4260 (Utilized for Foreign Claimants)

OR

Upload online: <https://eauth.va.gov/accessva/>

VA Benefits: Service-Connected Compensation

- Many VA deadlines are receipt deadlines, not mailing/postmark deadlines. Faxing or uploading is safest if there is a deadline approaching soon.
- Under 38 CFR § 21.1032 VA has duty to assist when they receive a substantially complete application. VA will notify veteran of additional evidence needed, schedule exams, and assist with gathering records.
- Veteran will receive a written decision granting or denying claim with list of evidence considered and reasons for decision.
- Consider submitting a Notice of Intent to File Claim while you gather your evidence.

VA Benefits: Service-Connected Compensation

Fully Developed Claims

Process developed by the VA to improve claims processing times and give more timely results.

- Claimants:
 - Submit their claim on a form that contains language which satisfies the notice requirements of 38 U.S.C. 5103/abbreviates duty to assist.
 - Simultaneously with their claim veterans submit all private medical treatment records, identify any relevant treatment records at a Federal facility, and submit any additional forms or treatment records required under special circumstances that support their specific claim.
 - Certify their claim is ready for processing at the time it is submitted.
 - Forgo additional notice and requests for evidence from the VA.
 - Receive priority claims processing and expedited decisions.

VA Benefits: Service-Connected Compensation

- Effective Date of Benefits will be either:
 - Date claim is *received* by VA Claims Intake Center, or
 - Date the VA receives Notice of Intent to File a Claim, VA Form 21-0966, provided the complete claim is *received by VA within one year*. <https://www.va.gov/find-forms/about-form-21-0966/>
 - Why file a Notice of Intent to File a Claim?
 - Preserves earlier effective date while giving claimant 1 year to gather evidence and submit fully developed claim
 - Average wait time on regular claim = 180+ days
 - Average wait time on fully developed claim = 109 days

VA Benefits: New updates under the PACT ACT

- In 2022 Congress passed the The Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act.
- Largest expansion of VA benefits and healthcare in the agency's history.
 - Expands and extends eligibility for VA health care for Veterans with toxic exposures and Veterans of the Vietnam, Gulf War, and post-9/11 eras
 - Adds 20+ more presumptive conditions for burn pit, Agent Orange, and other toxic exposures
 - Adds more presumptive-exposure locations for Agent Orange and radiation
 - Requires VA to provide a toxic exposure screening to every Veteran enrolled in VA health care at enrollment and every 5 years
 - Helps VA improve research, staff education, and treatment related to toxic exposures
- <https://www.va.gov/resources/the-pact-act-and-your-va-benefits>

VA Benefits: New updates under the PACT ACT

- Burn pit exposure is presumptive for veterans who served after 9/11/01 in:
 - Afghanistan
 - Djibouti
 - Egypt
 - Jordan
 - Lebanon
 - Syria
 - Uzbekistan
 - Yemen, and
 - The airspace above any of these locations

VA Benefits: New updates under the PACT ACT

- Burn pit exposure is presumptive for veterans who served after 8/02/90 in:
 - Bahrain
 - Iraq
 - Kuwait
 - Oman
 - Qatar
 - Saudi Arabia
 - Somalia
 - The United Arab Emirates (UAE), and
 - The airspace above any of these locations

VA Benefits: New updates under the PACT ACT

- The following cancers are now presumed to be caused by military service for veterans exposed to burn pits:
 - Brain cancer
 - Gastrointestinal cancer of any type
 - Glioblastoma
 - Head cancer of any type
 - Kidney cancer
 - Lymphoma of any type
 - Melanoma
 - Neck cancer of any type
 - Pancreatic cancer
 - Reproductive cancer of any type
 - Respiratory cancer of any type

VA Benefits: New updates under the PACT ACT

- The following other medical conditions are now presumed to be caused by military service for veterans exposed to burn pits:
 - Asthma that was diagnosed after service
 - Chronic bronchitis
 - Chronic obstructive pulmonary disease (COPD)
 - Chronic rhinitis
 - Chronic sinusitis
 - Constrictive bronchiolitis or obliterative bronchiolitis
 - Emphysema
 - Granulomatous disease
 - Interstitial lung disease (ILD)
 - Pleuritis
 - Pulmonary fibrosis
 - Sarcoidosis

VA Benefits: New updates under the PACT ACT

- VA added new geographic areas where exposure to Agent Orange is now presumptive, including parts of Thailand, Guam, American Samoa, Laos, Cambodia, and certain islands in the Pacific.
- VA added new geographic areas where exposure to radiation is now presumptive, including nuclear testing sites in the Pacific, Spain, and Greenland.
- VA added new disabling conditions presumed to be caused by military service, including hypertension for veterans exposed to Agent Orange.
- Toxic exposure screening of all veterans means updates to the list of presumptive conditions are likely.
- See <https://www.va.gov/disability/eligibility/hazardous-materials-exposure/> for the most up to date information

VA Benefits: New updates under the PACT ACT

- If the veteran previously applied for benefits for a condition that is now presumptive under the PACT ACT and was denied, VA will attempt to contact them, but filing a Supplemental Claim with:
 - the dates and location of the veteran’s service,
 - the date of diagnosis and the name of the diagnosing clinician,
 - and a statement that the condition is now presumptive under the PACT ACT is recommended. <https://www.va.gov/decision-reviews/supplemental-claim/>
- VA did not begin processing PACT ACT claims until January 2023, but benefits can be retroactive to August 10, 2022 if a Supplemental Claim was filed within one year/submitted before August 10, 2023.
- If VA does its own review or the veteran requests a review after August 10, 2023, benefits may go back to one year prior under the VA’s rules for eligibility based on “liberalizing of the law.” See, 38 CFR 3.114
- If the veteran died as a result of a condition that is now presumptive the surviving spouse or children may qualify for accrued benefits that would otherwise have been paid to the veteran.

VA Benefits: Non-Service Connected Pension

- Monthly Payment for wartime veterans who are over 65 or totally and permanently disabled – 38 USC § 1521
- Requires veteran status and qualifying discharge
- Needs-based/Means Tested
 - Requires annual income verification
 - Most needs-based programs (SSI, Ch. 115, TAFDC) will not count as income to determine entitlement – 38 CFR § 3.272 (but you may need to report receipt of VA pension to those programs!)
 - Most retirement and disability payments (Social Security, SSDI, VA service-connected compensation, private policies) will count as income and offset pension dollar for dollar – 38 CFR § 3.272
 - Unreimbursed medical expenses may be deducted from income to achieve eligibility
 - Maximum benefit is \$1,229 per month for single vet

VA Benefits: Non-Service Connected Pension

- Elements of the claim
 - Total and permanent disability, or over age 65, or on SSDI, or in a nursing home
 - 90 days of active service during period of war as determined by Congress
 - Length of service requirement – 38 USC § 5303A(b)
 - Before 1980, 90 consecutive days, one day during time of war
 - After 1980, 24 months of active duty or the full term for which the veteran was called to active duty, one day during period of war
 - Financial need –
 - Income must be below the maximum annual pension rate which in 2024 is \$1,379 per month for single veteran
 - <https://www.va.gov/pension/veterans-pension-rates/>

VA Benefits: Non-Service Connected Pension

- Financial Means Test and Regulation Changes
 - Firm asset limit under 38 CFR 3.274. 2023 limit is \$155,836. Some assets are not counted towards the limit such as a primary home on up to 2 acres of land (acreage in excess of 2 acres will be counted), household goods, a personal vehicle, and personal items, such as clothing.
 - 3-year lookback period on asset transfers under 38 CFR 3.276 – As of 10/18/18 there is a 3-year lookback period on asset transfers above the threshold. The lookback does not apply to claims filed before that date.
 - Up to 5-year benefit penalty period if assets are transferred. VA will calculate the length of the penalty period by dividing the total covered asset amount by the monthly penalty rate set under the regulations
 - Irregular or non-recurring income is annualized – 38 CFR 3.271
 - In-kind Maintenance ≠ income – 38 CFR 3.272

Non-Service Connected Pension – Housebound Benefits

- Additional benefits available to a veteran who:
 - Is eligible for non-service connected pension, **AND**
 - Has a single permanent disability evaluated as 100-percent disabling **AND**, due to such disability, he/she is permanently and substantially confined to his/her immediate premises, **OR**,
 - Has a single permanent disability evaluated as 100% disabling **AND**, another disability, or disabilities, evaluated as 60 percent or more disabling.
- Increases monthly pension to \$1,685
- Cannot be received concurrently with Aid & Attendance

Non-Service Connected Pension – Aid & Attendance Benefits

- Aid & Attendance - An additional benefit available to a veteran who:
 - Is eligible for non-service connected pension, **AND**
 - Requires the aid of another person in order to perform personal functions required in everyday living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting himself/herself from the hazards of his/her daily environment, **OR,**
 - Is bedridden, in that his/her disability or disabilities requires that he/she remain in bed apart from any prescribed course of convalescence or treatment, **OR,**
 - Is a patient in a nursing home due to mental or physical incapacity, **OR,**
 - Is blind, or so nearly blind as to have corrected visual acuity of 5/200 or less, in both eyes, or concentric contraction of the visual field to 5 degrees or less.
- Increases the monthly pension rate to \$2,300

VA Benefits: Non-Service Connected Pension

- Veteran cannot receive pension and compensation at the same time
 - VA will automatically pay higher amount unless instructed otherwise.
 - Veterans with SSDI or other non-VA income may do better taking lower amount in service-connected compensation and keeping other income.
- Example:
 - The 2024 maximum annual pension rate for a single veteran is \$1,379 per month. This is offset dollar for dollar by other income sources.
 - The veteran receives SSDI (\$1,000 per month) and is eligible for VA service-connected disability (\$500 per month) or VA pension.
 - If the veteran accepts the VA pension, they will only receive \$379 from the VA because the veteran's maximum income cannot exceed \$1,379 per month under the VA pension program.
 - If the veteran declines the VA pension and takes the service-connected disability, the veteran can receive both the \$1,000 of SSDI and the \$500 from VA bringing their total monthly income to \$1,500.

VA Benefits: Non-Service Connected Pension

- Is not countable income for child support in Massachusetts because it is needs-based
- Is not garnishable or assignable for most purposes
- How to apply:
 - Complete and submit Form 21-527EZ to Department of Veterans Affairs
Claims Intake Center
Attention: Philadelphia Pension Center
P. O. Box 5206
Janesville, WI 53547-5206
Fax: 1-844-655-1604
 - Apply online at: <https://www.va.gov/pension/application/527EZ>
 - Can also file Notice of Intent to file Pension Claim for earlier effective date

VA Benefits for Surviving Spouses, Children, and Parents

- Two forms of benefits are available –
 - Compensation (disability based)
 - Pension (needs based)
- Available to qualifying spouses, children, and parents
 - Available to same-sex spouses
 - Not available to spouses who have divorced or remarried
 - Available to minor children
 - Available to children ages 18 to 23 if in school full-time
 - Available to parents whose income is below VA limits. See <https://www.va.gov/disability/parent-dic-rates/> for current rates

VA Benefits for Surviving Spouses, Children, and Parents: DIC

Dependency and Indemnity Compensation (DIC) is a program for surviving spouses, children, or dependent parents, of:

- Veterans who die during service
- Veterans whose death is the direct result of a service-connected disability
- Veterans who die of other causes but were 100% service-connected disabled for a sustained period of time (10+ years, or since leaving service and 5+ years)
- Basic benefit - \$1,612/month for spouse, \$680 for surviving child alone
- Additional amounts available if dependent children in household, the veteran was totally disabled for a set period, the recipient has a disability, and other factors. Visit <https://www.va.gov/disability/survivor-dic-rates/>

VA Benefits for Surviving Spouses, Children, and Parents: DIC & the PACT ACT

The PACT Act and the VA rules on liberalizing changes to the law and VA claims also apply to DIC claims.

- Family members of veterans who died of a condition that is now presumptively service-connected under the PACT Act may now qualify for DIC.
- If a previous DIC claim was denied, filing a Supplemental Claim with the following is recommended:
 - the dates and location of the veteran’s service,
 - the date of the veteran’s death and documentation that the presumptive condition is the cause, such as a death certificate,
 - and a statement that the condition is now presumptive under the PACT ACT. <https://www.va.gov/decision-reviews/supplemental-claim/>
- Supplemental claims filed before August 10, 2023 receive the earliest possible effective date, but newer claims may still go back to one year prior to filing.

VA Benefits for Surviving Spouses, Children, and Parents

Non-Service Connected Death Pension - Available to spouses of veterans whose death is not service connected

- Veteran must have been eligible for pension
- Surviving spouse must have financial need
- Basic Benefit - \$925/month
- Aid & Attendance or Housebound Benefits are also available to increase amount. See <https://www.va.gov/pension/survivors-pension-rates/>
- Same rules apply re: asset limits and transfers
- Medical expenses may also be deducted from income
- Can file Intent to File form to preserve earlier effective date

VA Benefits for Surviving Spouses, Children, and Parents

- How to Apply for DIC and Death Pension
 - Complete and submit VA Form 21-534EZ Department of Veterans Affairs Claims Intake Center
Attention: Philadelphia Pension Center
P. O. Box 5206
Janesville, WI 53547-5206
Fax: 1-844-655-1604
 - Online at <https://eauth.va.gov/accessva/> (use QuickSubmit)
- Unless a surviving spouse or dependent has other income, it is almost always a good idea to also apply for Chapter 115 to supplement these resources.

VA Benefits: Overpayments

Occurs when a veteran receives benefits to which he or she is not entitled such as:

- Concurrent Receipt of VA Pension and Social Security Benefits or other income exceeding threshold
- Incarceration for more than 60 days – The family of an incarcerated veteran can apply for apportionment of the benefit under 38 CFR 3.665
- Failure to remove spouses or dependents upon death, divorce, etc.
- Can be recovered by offset or termination of future benefits until repaid – **no offset or termination should occur if the veteran requests a hearing within 30 days**
- Can be waived if veteran can show hardship, error, or that collection would violate equity and good conscience – **must be requested within 180 days** – make sure to raise if the veteran gave up another benefit such as Ch. 115
- No waiver if the overpayment is the result of fraud, misrepresentation, or bad faith by the veteran/claimant
- Can be dischargeable in bankruptcy

VA Benefits: Appeals/Options for Review of VA decisions

- Generally, there is a one-year appeal deadline from the date of the decision, except for overpayments where deadline is 180 days.
- The Veterans Appeals Improvement and Modernization Act of 2017 (Appeals Modernization Act) became law on August 23, 2017 (Pub L. 115-55) – Gives three options for review:
- Option 1: De novo review by higher level Regional Office Staff
- Option 2: A Supplemental Claim Lane - allows submission of additional evidence and further review, also at Regional Office Level
- Option 3: Board of Veterans Appeals –
 - Direct review: No submission of additional evidence or hearing.
 - Evidence submission: May submit additional evidence, but no hearing.
 - Hearing: May submit additional evidence and testify before a Veterans Law Judge.

VA Benefits: Appeals/Options for Review of VA decisions

- To initiate an appeal file a Notice of Disagreement within one year of the VA letter notifying the claimant of the decision. VA must provide instructions on how to appeal and the form with the decision. There is a new process as of February 19, 2019:
 - For Higher Level Review, use NOD Form VBA 20-0996
 - For Supplemental Claims, use NOD Form VBA 20-0995
 - To go straight to Board of Veterans Appeals, Use NOD Form VA10182 for decisions issued after February 19, 2019.
 - Proof of mailing/faxing is important! A waiver of the time limit for good cause can be requested but the VA only grants them rarely.
- If you selected Higher Level Review or Supplemental Claim, you can still apply to the Board of Veterans Appeals for further review.

VA Benefits: Appeals/Options for Review of VA decisions

- For claims prior to February 19, 2019, the veteran has the option of using the legacy appeals process (the process in place prior to that date), or converting to the new appeals process.
 - Under the prior appeals process, VA will issue a Statement of the Case = a more in-depth explanation of the legal and factual basis for the decision.
 - The veteran then has 60 days to file a VA Form 9 Appeal. Once the Form 9 is filed, the case is transferred to the Board of Veterans Appeals.
- Why Appeal? VA estimates it accurately decides claims 85-90% of the time, but American Legion and other congressionally-chartered service organizations found errors in 55% of claims!

More about VA Benefits

- Low standard of proof /any evidence can be considered
- Benefit of doubt goes to veteran
- To reopen a claim after one year “New and Material Evidence” required
- A request for an increased rating is a new claim, not an appeal
- Not taxable
- Not assignable for most purposes - 38 U.S.C. § 5301
- Can be garnished to satisfy a debt to a federal administrative agency (Social Security, IRS)
- Can be garnished for child support or spousal support payments in certain circumstances.

Forms/Access to Information

Benefits:

- Authorization to Disclose Personal Information to a Third Party – VA Form 21-0845
- Request for Consent to Release of Information from Individual's Records – VA Form 3288

Medical Records/ Information:

- Request for and Authorization to Release Medical Records - VA Form 10-5345
- Request for Patient's Own Medical Records - VA Form 10-5345a

Additional Forms:

- va.gov/findforms

VBMS Access:

- If you regularly handle VA benefits claims consider signing up for access to the VA's Veterans Benefits Management System. For VA's Boston Regional Office email: cma.vbabos@va.gov

Representing VA Claimants

- In order to represent a veteran in a VA benefits claim, a person must be accredited by VA Office of General Counsel – www.va.gov/OGC/accreditation , or
 - Limit representation to a single claim, or
- Be part of a recognized Veterans Services Organization
 - *See* 38 CFR 14.627 to 14.810

Camp Lejeune Claims with VA

- Between August 1, 1953, and December 31, 1987 the water at Marine Corps Base Camp Lejeune, and Marine Corps Air Station (MCAS) New River, North Carolina was contaminated contaminated with industrial solvents and other chemicals.
- Veterans who served at either location may be eligible for VA disability benefits and healthcare benefits for conditions resulting from this toxic exposure.
- Family members of those veterans may also be eligible for reimbursement of certain healthcare expenses from the VA.
- Visit <https://www.va.gov/disability/eligibility/hazardous-materials-exposure/camp-lejeune-water-contamination/> for the most up to date list of presumptive conditions.

Camp Lejeune Claims with the Navy

- Separately from claims for VA benefits, the Navy has its own claims process under the Camp Lejeune Justice Act (CLJA) which extended the statute of limitations for filing claims against the Navy.
- Anyone who lived, worked, or otherwise was exposed to the water at Camp Lejeune for at least 30 days between August 1, 1953, and December 31, 1987, may file a CLJA claim.
- Claims can be filed at <https://www.navy.mil/clja/>
- Elective Option – The Navy will offer the claimant a set amount of compensation based on the duration of toxic exposures and severity of resulting illness that does not offset VA benefits.
- Claimants have the right to sue Federal Court if the Navy determines they are not eligible for the Elective Option, or the veteran declines the Elective Option. An CLJA claim is a required prerequisite to filing in Federal Court.
- Federal Tort Claims typically are offset by VA benefits.
- **CLJA claims must be filed by August 10, 2024!**

VA Education Benefits: GI Bill

- Education benefit for qualifying veterans
 - Comes in many forms. Most recent is the post 9/11 GI Bill for veterans who served after 9/10/01
 - Requires Honorable discharge and at least 90 days of active duty service, 3 years of service required for full benefit to be payable
 - Can be transferred to a spouse or child if service was after 8/1/09 and veteran elected transferability during service
 - Can be used for accredited colleges, and certain online, vocational, and technical programs

VA Education Benefits: GI Bill

- What does it cover?
 - Pays all in-state tuition and fees for public schools
 - If attending a private school or as an out-of-state student the maximum tuition benefit effective August 2022 is \$26,381 per academic year. See <https://www.va.gov/education/benefit-rates/post-9-11-gi-bill-rates/>
 - Includes a separate housing allowance at the rate of the Basic Allowance for Housing for an E-5 with dependents, amount varies based on zip code of the campus but can be quite generous. (In 2023, \$4,188 in downtown Boston)
 - Includes a separate annual allowance for books and supplies
 - Additional relocation benefit available for veterans from rural areas

VA Burial Benefits

- Benefits include:
 - Burial plot in federal or state veterans cemetery
 - Burial allowance for private cemetery, up to \$2,000 – amounts vary depending on dates of service and whether death was service-connected or veteran was hospitalized at VA at time of death
 - Military Funeral Honors at the internment of remains
 - Headstone or grave marker medallion – private cemetery may charge a placement fee
 - Presidential Memorial Certificate
- Apply online at <https://www.va.gov/burials-and-memorials/application/530/>
- Apply using VA FORM 530, available at <http://www.vba.va.gov/pubs/forms/VBA-21P-530-ARE.pdf> OR call 1-800-535-1117 and submit by mail
- Veteran can apply prior to death using the Pre-Need Eligibility Determination Request available at: <http://www.va.gov/vaforms/va/pdf/VA40-10007.pdf>

Contact Information:

Boston VA Regional Benefit Office
JFK Federal Building
15 New Sudbury St.
Boston, MA 02203
800-827-1000

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