



# Compensation Service Bulletin

December 2011

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**Policy (211)**

**[Effective Date for Claims Involving Exposure to Agent Orange with Thailand Base Perimeter Duty](#)**

Compensation Service acknowledges exposure to tactical herbicides, such as Agent Orange, on a direct, occupational, or facts found basis for Veterans with duty on military base perimeters in Thailand during the Vietnam era. As a result, these Veterans are eligible for presumptive service connection for the diseases associated with tactical herbicide exposure listed at 38 CFR 3.309(e). The Compensation Service Bulletins for August 2009 and May 2010 contain the details of this policy.

38 CFR 3.156(c) states a denied claim may be reconsidered based on receipt of "service records that are related to a claimed in-service event, injury, or disease." Any award based on such records "is effective on the date entitlement arose or the date VA received the previously decided claim, whichever is later." Our obligation is to apply this regulation from this point forward to any claim a Veteran reopens or any previous relevant denial we discover when reviewing the Veteran's claims file.

The "service records" Compensation Service based their decision on included information from a declassified 1973 Department of Defense document titled *Project CHECO Southeast Asia Report: Base Defense in Thailand*. Within this 91-page report are several references to significant herbicide use on the fenced-in

perimeters of Thailand airbases. The report was acquired after some of these Veterans were denied service connection based on the lack of evidence of tactical herbicide exposure, in accordance with the policy in effect at that time.

For example, a Veteran with Thailand perimeter duty was denied service connection for type 2 diabetes in 2006 and reopens his claim in 2011. The effective date will go back to the date the Department of Veterans Affairs (VA) received the previously denied claim in 2006, as long as the disease was present at that time.

**Procedures (212)**

**[Special Monthly Compensation \(SMC\) as Authorized in Public Law 111-275](#)**

[Fast Letter 11-35, \*Special Monthly Compensation \(SMC\) at the New \(T\) Rate for Residuals of Traumatic Brain Injury \(TBI\)\*](#), establishes procedures for implementing the new SMC (T) rate, equal to the (R)(2) rate, for Veterans who need regular aid and attendance (A&A) due to residuals of TBI.

**[December Benefit Summary Letter Permanent and Total \(P&T\) Line Modification](#)**

This is a reminder that the October 2011 benefit summary (tax abatement) letter release contains a new, permanent code modification that changes the permanent and total (P&T) line display. The P&T line will only be displayed if confirmed by a Chapter 35 entitlement decision in the Corporate Record.

This change will result in fewer letters stating the beneficiary is P&T. In some cases, beneficiaries who received a "P&T YES" response in previous years will **not** see that line displayed on the letter this year (unless entitlement to Chapter 35 has been established in the interim).

To increase clarity we reprogrammed the letters to display only positive responses. Therefore, if the electronic record doesn't show entitlement to a

benefit, the line will not display in the letter. For example, if a beneficiary is not receiving pension benefits, the pension line will not populate in the letter.

If a beneficiary contacts VA requesting a benefit summary letter verifying P&T status, please follow the instructions outlined in [Fast Letter 09-28, \*Benefit Summary and Tax Abatement Letters\*](#) to include reviewing the record for eligibility and updating the electronic record with missing or outdated information, prior to releasing a new letter.

This month's release provides letters for VA beneficiaries in the States of Florida, New York, North Dakota, Oklahoma, and Rhode Island.

### **[Pre-Discharge Claims Folder Establishment and Paperless \(PLCP\) Record Claims Development](#)**

Offices with intake sites processing Pre-Discharge claims need to remember that if a claims folder does not exist, the intake site/parent regional office (RO) must build it. If a claims folder was previously established, and is now located at another RO or a records storage facility, the intake site/parent RO should only recall the folder if the claimant has an examination scheduled in the area and the claims folder is needed for review. If a paperless (PLCP) record exists, the folder should **not** be recalled from the rating activity site (RAS) (stations 318 and 341). Please ensure appropriate personnel are familiar with [M21-1MR III.ii.3](#), [Fast Letter 08-20, \*Paperless Processing Procedures for BDD\*](#), and [Fast Letter 09-31, \*Transition of Consolidated Processing Sites \(CPSs\) for Quick Start Pre-Discharge Claims\*](#).

Jurisdiction of paperless claims folders is permanently maintained at the RAS that processed the original end product (EP). These folders should not be recalled to ROs for subsequent claims. Instead, subsequent claims and appeals should be forwarded to the RAS of jurisdiction for establishment, processing, and

rating.

### **[VA Form 21-0819 Represents a Formal Application for VA Benefits](#)**

Compensation Service wants to remind ROs and Centers that when a signed VA Form 21-0819 is of record, a Veteran or Service member is not required to submit a VA Form 21-526 series application to reopen his or her VA claim. Any communication or action that shows intent to apply for benefits under laws that VA administers (informal claim), must be treated as a claim when a signed VA Form 21-0819 is a matter of record.

ROs and Centers should continue to refer to the information contained in [Fast Letter 08-01, \*Joint VA-Department of Defense \(DoD\) Disability Evaluation System \(DES\) Pilot Program\*](#), and [M21-1 MR III.ii.2.E.20.b](#).

Whether an Integrated Disability Evaluation System (IDES) participant is found fit and returns to duty, or is separated from service and VA awarded benefits, the VA Form 21-0819 always represents a formal claim. Therefore, in either scenario, the claimant is not required to complete another formal application for benefits.

Please note: In many cases it may be advantageous for a claimant to complete a VA Form 21-526 series application, and Public Contact Representatives and Military Services Coordinators (MSCs) should encourage claimants to do so.

### **Training & Contract Exams (213)**

#### **[Centralized Challenge 2012-2 Session](#)**

The Training Staff is hosting another eight week Challenge Session for Veterans Service Representatives (VSRs) & Rating Veterans Service Representatives (RVSRs) in Baltimore. The training session will run from January 10 – March 8, 2012, with a one-week break from February 5-12, 2012.

Students will travel to Baltimore on Sunday, January 8, 2012. They will return home on Saturday, February 4, 2012 and are expected to report for duty at their home station on Monday, February 6, 2012. Students will return to Baltimore on Sunday, February 12, 2012 and report for class on Monday, February 13. They will travel home on Friday, March 9, 2012.

Instructors for the first four weeks will travel to Baltimore on Tuesday, January 3, 2012 and report for the Challenge Curriculum Course on January 4, 2012. They will return home on Saturday, February 4, 2012.

Instructors for the second four weeks will travel on Tuesday, February 7, 2012, and report for the Challenge Curriculum Course on February 8, 2012. They will return home on Saturday, March 10, 2012.

Approximately 136 RVSR students and 117 VSR students will attend this session of Challenge. The VSR training will take place in the VBA Training Academy. The RVSR training will take place in the Tremont Plaza Hotel.

### [Decision Review Officer \(DRO\) Training Conference](#)

The third session of centralized DRO training will be held the week of January 23, 2012 at the National Conference Center in Lansdowne, VA. Approximately 261 participants are expected to attend this session. Travel days will be Monday, January 23 and after 2 pm on Friday, January 27.

### [Decision Review Officer \(DRO\) Skill Certification Test](#)

The first DRO Skill Certification test of FY 2012 will be held on January 11, 2012. The Office of Field Operations (OFO) will send additional information. You can find other information concerning the test, including the Skill Certification Readiness Guide, on the Compensation Service webpage under 213 – Skill

Certification.

## **Quality Assurance (214)**

### [Rating Quality Call](#)

The Monthly Rating Quality Call for December is cancelled. The next call is scheduled for January 26, 2012. We will provide information about the January call in advance.

### [Compensation and Pension \(C&P\) Examination Capabilities at Veterans Health Administration \(VHA\) Facilities](#)

A common complaint received from employees attempting to submit compensation and pension (C&P) examination requests via Compensation and Pension Records Interface (CAPRI) is that the system allows employees to request examinations at facilities that do not conduct those examination types.

In an effort to remedy the resulting claims processing delays, the Disability Examination Management Office (DEMO) is working with other offices in VHA to help VA Medical Centers update their site examination list parameters in CAPRI. An updated list will indicate invalid examination types for a facility, as well as remove facilities that do not conduct examinations at all.

This initiative led to Live Meeting training sessions, as well as the development of a training video. The training video is available on the [Compensation Service Intranet CAPRI/AMIE page](#) and is entitled *Editing Exam Lists Parameters in CAPRI*.

While Veterans Benefits Administration (VBA) personnel generally will not have the ability to update these parameters themselves, we are encouraging all Veterans Service Centers (VSCs) to work with their local VA Medical Centers to assist them in updating their site lists.

If you have any questions please contact [VAVBAWAS/CO/CAPRI](#).

### [Administrative Decisions Involving Erroneous Payments of \\$25,000 or Greater](#)

Effective immediately, please forward all compensation cases requiring approval of administrative decisions involving erroneous payments of \$25,000 or greater to:

**Nashville Quality Assurance Office**  
**Attn: Cindy Windham**  
**3322 West End Ave., Suite 730**  
**Nashville, TN 37203.**

Indicate "*Administrative Error--Over \$25K*" in the Remarks Section of Control of Veterans Records System (COVERS).

Forward all pension cases requiring approval of administrative decisions involving erroneous payments of \$25,000 or greater to:

**Pension and Fiduciary Service (21P1)**  
**Attn: Lauren Stazzone**  
**2051 Jamieson Avenue**  
**Alexandria, VA 22314.**

Indicate "*Administrative Error--Over \$25K*" in the Remarks Section of COVERS.

Direct questions to the Quality Assurance mailbox at VAVBAWAS/CO/214B.

### [Inter-Rater Reliability Studies \(IRRS\) FY 2012 Schedule](#)

One inter-rater reliability study (IRRS) has been conducted thus far in fiscal year (FY) 2012.

The remainder of FY 2012 IRRS scheduled dates are listed below:

- Tuesday, March 13, 2012
- Tuesday, June 12, 2012
- Tuesday, August 14, 2012

Direct questions to the IRRS mailbox at VBAVBAWAS/CO/IRRS.

### **Business Management (215)**

#### [Revised Training Letter 11-01, "Processing Virtual VA Electronic Exceptions Documents,"](#)

All electronic documents, regardless of the source, require sufficient indexing information (such as a claim number) to store within the correct Virtual VA eFolder. Insufficient indexing information results in the electronic document(s) being marked as orphaned or exception document(s), and manual intervention is required to route the document(s) to the proper eFolder.

We revised [Training Letter 11-01 Processing Virtual VA Electronic Exceptions Documents](#) and the [TL 11-01 Enclosure](#) to provide guidance on handling Virtual VA exceptions documents where the Record Management Center (RMC) personnel can not manually identify the claimant. The new process includes requesting the assistance of the RO of Jurisdiction (ROJ) for these instances.

Currently, RMC reviews electronic documents residing in the Virtual VA exceptions eFolders and moves all documents to the correct eFolders once they have identified a claimant. However, there are instances in which the RMC cannot determine the claimant.

The updated training letter (TL) 11-01 allows for the RMC to email a link to the ROJ in all cases where they cannot determine the correct claimant. The ROJ will:

- monitor the incoming emails,
- assign a resource in their office to review the electronic document(s) in Virtual VA within 10 days of receipt of the email, and
- try to discern the final routing of the electronic document.

This process was updated to ensure that all electronic exception documents would have ROJ review prior to marking them for deletion in the Virtual VA system. The deletion of these