

1ST DISTRICT SERVICE OFFICER VA & R REPORT FOR DECEMBER 2021



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Notes of Interest;

Did you know as of October 11, 2021, there were more than 204,000 backlog disability claims in an inventory of 603,000 total disability claims? VA identified more than 70,000 disability claims to review for additional entitlement stemming from the presumptive relationship between Agent Orange and Parkinsonism, bladder cancer and hypothyroidism. Many of these will enter the backlog in October 2021 which is projected to reach 260,000 pending claims.

A nonprofit veterans legal organization has created a program to help veterans file claims for illnesses related to burn pits and airborne pollutants found in combat zones. The National Veterans Legal Services Program, or NVLSP, announced recently that its new Burn Pits Claims Assistance Program will represent former service members seeking disability benefits for diseases that may have been caused by the fumes and chemicals emitted from open-air waste disposal sites used in Iraq, Afghanistan and elsewhere, as well as pollution from oil well fires and other hazards in the first Persian Gulf War. The announcement follows a move in August by the Department of Veterans Affairs to designate three respiratory illnesses as presumed to be related to burn pit exposure: asthma, rhinitis and sinusitis. Presumptive illness status allows veterans to skip a portion of the process to apply for benefits, eliminating the need for them to prove their injuries and illnesses are directly caused by their military service.

Did you know since World War II, more than two million service members have been discharged from U.S. military with a discharge status other than “honorable discharge.” Having a discharge that falls below a certain level can impact a veteran’s access to pensions, GI Bill education benefits, health care benefits, insurance or home loans, as well as carrying a negative stigma.

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If an extension of the current presumptive period was not implemented, service members whose conditions arise after December 31, 2021 would be substantially disadvantaged compared to service members whose conditions manifested at an earlier date. Limiting entitlement to benefits due to the expiration of the presumptive period would be premature given that current studies remain inconclusive as to the cause and time of onset of illnesses suffered by Persian Gulf War Veterans.

VA presumes certain medically unexplained illnesses are related to Persian Gulf War service without regard to cause, including, chronic fatigue syndrome, fibromyalgia, and functional gastrointestinal disorders. Also included are undiagnosed illnesses with symptoms that may include but are not limited to abnormal weight loss, cardiovascular disease, muscle and joint in, headache, menstrual disorders, neurological and psychological problems, skin conditions, respiratory disorders and sleep disturbances. Persian Gulf War

Veterans who are experiencing any of the symptoms listed above and other unexplained medical issues are encouraged to file a claim.

Did you know most states have Medicaid Home and Community Based Services waivers that provide financial assistance to help veterans avoid nursing homes and remain living at home? Each state has different waivers, eligibility requirements and benefits.

Last summer, a veteran in Las Vegas died by suicide two hours after he was discharged from a Department of Veterans Affairs inpatient mental health facility, despite having told a family member while he was hospitalized that maybe he "should just die." An investigation found that the facility failed to address the patient's complaints and didn't flag him as high risk. Furthermore, the facility didn't fully examine the circumstances that led to the death and never listed it as a "sentinel event" -- in effect, hiding the death from scrutiny up the leadership chain, according to the VA's Office of Inspector General. In the past five years, the Veterans Health Administration has grappled with several high-profile patient safety issues, including the murder of seven veterans at a Clarksburg, West Virginia, VA hospital; an alcoholic pathologist who went unchallenged on his job, resulting in 3,000 diagnostic errors; and a VA gynecologist who made graphic and lewd comments to patients while conducting pelvic examinations. While these cases center on errors or malfeasance by individuals, they demonstrate a systemic failure of leadership and indicate a need to accelerate the VA's efforts to overhaul its health care culture, according to the top watchdogs for the VA and the federal government.

Did you know in May 2021, VA started implementing provisions of the William M. Thornberry National Defense Authorization Act for Fiscal Year 2021 (NDAA), adding bladder cancer, hypothyroidism and Parkinsonism to the list of medical conditions presumptively associated with exposure to Agent Orange? A few months later, VA added asthma, rhinitis and sinusitis (to include rhinosinusitis) on a presumptive basis based on particulate matter exposures during military service in Southwest Asia and certain other areas.

The Biden administration is moving to improve the disability claims process for veterans with illnesses linked to toxic exposure, such as respiratory disease and lung cancer, and make it easier for them to connect with specialists who can treat them. On Thursday, the White House and Department of Veterans Affairs announced several new initiatives for service members and vets affected by burn pits, industrial waste and other sources of toxic chemicals used in combat environments.

Did you know the Department of Veterans Affairs (VA) is launching a new pilot model to research possible connections between veterans with certain rare cancers and exposure to toxins during military service? Research will occur over the next several months. Veterans with certain medical conditions could be eligible for fast-tracked health benefits if VA finds a connection. VA said the goal is to lower the amount of evidence veterans need to provide to access these benefits. The initiative will include efforts to train VA clinicians and benefits employees on toxic exposures. VA will also create a new call center and network of experts on environmental toxins to handle questions from veterans.

Did you know the VA issued revised Form 10-10EZ Application for Health Benefits, effective in July 2021? The form now has a question concerning whether a veteran is applying for enrollment or for registration. Some veterans need only to apply for registration and do not have to complete the entire Form 10-10EZ. For example, a veteran who served in Vietnam or Blue Water Navy near the Vietnam coastline who qualify, need only register for VA health care by virtue of the presumptive nature of exposures they experienced while in Vietnam. The income means test does not apply to such veterans. Another change is gender identification which now has "birth gender"; male or female, and "Self-identified gender Identity";

male, female, transmale/transman/female-to-male, transfemale/transwoman/male-to-female and finally the option to choose not to answer. The new form also does not inquire as to your “net worth,” which was earlier part of the “means” test for enrollment. These changes do not alter the income test used by the VA to determine whether the veteran must pay deductibles, co-pays and out-of-pocket maximums.



Please Remember..... That all gave some, but many gave all!