



# Service Bulletin

October 2008

## **NATIONAL SUICIDE PREVENTION LIFELINE**

<http://www.suicidepreventionlifeline.org/Veterans/Default.aspx>

The Department of Veterans Affairs' (VA) Veterans Health Administration (VHA) has founded a national suicide prevention hotline to ensure veterans in emotional crisis have free, 24/7 access to trained counselors. To operate the Veterans Hotline, the VA partnered with the Substance Abuse and Mental Health Services Administration (SAMHSA) and the National Suicide Prevention Lifeline. Veterans can call the Lifeline number, 1-800-273-TALK (8255), and press "1" to be routed to the Veterans Hotline.

## **DAV DISASTER RELIEF PROGRAM**

Since January 2008, there have been 55 Major Disaster Declarations made by the U.S. Federal Emergency Management Agency (FEMA) resulting from natural disasters throughout the country. The DAV has continued its long standing commitment of assistance to those eligible veterans affected by these disasters by providing disaster relief grants.

As a reminder, disaster relief grant amounts may vary based on applicant needs, available DAV resources and DAV membership status. Disaster relief grants may be issued for the purpose of providing: food, clothing, and temporary shelter or to obtain relief from injury, illness, or personal loss resulting from natural/national disasters that are not covered by insurance or other disaster relief agencies.

To be eligible for a DAV disaster relief grant, the following criteria must be met:

- The applicant must be a service-connected disabled veteran or the spouse thereof (same household).
- The applicant must be the victim of a natural/national disaster.
- The applicant's claimed loss must not be covered by insurance.
- The applicant's claimed loss must not be covered by other emergency relief agencies.

All applications must be complete and authorized by a National Service Officer. Questions regarding DAV's Disaster Relief Program should be directed to the Supervisor of the local DAV National Service Officer.

## **DAV NOW IN SECOND LIFE**

Second Life is an online 3D virtual world developed by Linden Lab. It provides an immersive environment where users are able to create a digital character, or 'avatar', and interact with people from around the world. Second Life allows users or 'residents' to come together to engage in a range of activities including socializing, attending musical events, playing games, shopping, running businesses, building, collaborating, attending meetings and presentations and undertaking training and education.

Why is DAV Using Second Life? Today's DAV membership is a new generation; one who enjoys different forms of social interaction. The notion of attending a fraternal meeting in a chapter hall does not always appeal to these new members. So how do we get them more involved? One way will be through our new Virtual DAV. Created online in Second Life, this social networking tool will provide the DAV with a new avenue of outreach, social interaction and advocacy. This type of newer technology reaches a younger generation since it supports a networking structure with which they are familiar. More importantly, it will provide an opportunity for physically disabled members to get involved using a virtual environment to interact and collaborate.

Visit The DAV "Islands" at <http://slurl.com/secondlife/DAV/136/12/29>

## **DEPARTMENT OF VETERANS AFFAIRS (VA)**

### **COMBAT RELATED SPECIAL COMPENSATION (CRSC)**

<http://www.dfas.mil/retiredpay/retroactivepayment/section641.html>

The National Defense Authorization Act (NDAA) of 2008, Section 641 expands eligibility of the CRSC entitlement to those with less than 20 years of service.

The CRSC entitlement is computed in accordance with VA pay tables. Most of the members who will be eligible as a result of the NDAA expansion, have retired under a disability law. Those who retired under a disability law will incur an offset to their CRSC entitlement. There are approximately 211,000 retirees, Chapter 61, who are currently eligible to apply. They must meet the eligibility criteria of being in receipt of both retired pay and VA compensation. Members must apply to their military branch of service. Members should enclose evidence to show how a disability was incurred in a combat situation with their application. The respective military service branches will approve or disapprove all or a portion of each claim on the application.

### **CONCURRENT RETIREMENT DISABILITY PAYMENT (CRDP)**

<http://www.dfas.mil/retiredpay/retroactivepayment/section642.html>

The NDAA of 2008, Section 642 expanded the eligibility requirements for CRDP. Retirees who were rated by the VA as unemployable, generally referred to as Individual Unemployability (IU), and are in receipt of VA disability compensation as a result of IU, will become eligible to receive full concurrent receipt of both their VA compensation and Retired Pay. This section of the Act is effective October 1, 2008, and is retroactive to January 1, 2005.

To qualify for the CRDP entitlement, the retiree must have 20 years of service or retired under Temporary Early Retirement Authority (TERA), must be in receipt of retired pay, in receipt of VA compensation, rated 50 percent or higher by the VA. Those rated by the VA as IU, are compensated at the 100 percent rate in accordance with the VA disability compensation basic rates.

Retirees will not need to take any action in order to receive this increased benefit amount. The Defense Finance and Accounting Service receives this information from the VA on a regular basis.

### **SPECIAL SURVIVOR INDEMNITY ALLOWANCE (SSIA)**

<http://www.dfas.mil/retiredpay/frequentlyaskedquestions/ndaa644faqs.html>

A provision of the NDAA of 2008 established the SSIA for surviving spouses who are the beneficiary of the Survivor Benefit Plan (SBP) annuity, and their SBP annuity is partially or fully offset by their Dependency and Indemnity Compensation (DIC), paid by the VA. The provision that established SSIA also applies to the surviving spouses of members who died on active duty whose SBP annuity is partially or fully offset by their DIC. The SSIA starts at \$50 per month for fiscal year 2009 and then increases each fiscal year by \$10 until the SSIA is \$100 for fiscal years following 2013. SSIA will not be paid for months prior to October 2008 and will terminate February 2016.

Surviving spouses whose SBP annuity is fully or partially offset by DIC are not required to apply for SSIA. The Defense Finance and Accounting Service – Cleveland (DFAS-CL) will automatically pay SSIA to surviving spouses whose SBP accounts show a DIC offset of their spouse SBP annuity for months starting in October 2008. Letters will be sent to all surviving spouses who qualify to receive this benefit.

NSOs can access frequently asked questions related to this topic at the link noted above.

### **DEPENDENCY AND INDEMNITY COMPENSATION (DIC) FOR SPOUSE ONLY**

<http://www.dfas.mil/retiredpay/survivorbenefits/dependencyandindemnitycompensationdicforspouseonly.html>

The VA determines entitlement to and the amount of the DIC award. If DIC is awarded, the SBP annuity must be reduced by the amount of the DIC award. The SBP annuity is terminated if the DIC is greater than the SBP. However, if an annuitant receives DIC based on a member other than the one providing SBP, there will not be a DIC reduction. Each annuitant signs a DIC authorization statement when they submit their annuity application. This allows DFAS to establish their SBP annuity prior to notification from the VA regarding their entitlement to DIC. This prevents delays in SBP payments.

**Glenn Bill:** Under Public Law 101-189, November 29, 1989, and Public Law 102-190, effective April 1, 1992, if the member elected Supplemental SBP, the annuity amount would be 35 percent of the annuity base amount plus an additional percentage of the annuity base amount as elected by the member. If the DIC exceeds the 35 percent SBP amount, the annuitant will receive the supplemental SBP in whatever increment was elected.

NSO's are encouraged to access the link above for further information as conditions apply when DIC is awarded to an annuitant.

**UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE (GAO) STUDIED  
VETERAN'S DISABILITY BENEFITS**  
<http://www.gao.gov/new.items/d08901.pdf>

**What GAO Found** - While VA awards compensation more quickly under BDD than through its traditional process, VA's efforts to manage the BDD program provide limited accountability for achieving optimal results. For example, the agency does not measure the time local VA personnel are developing BDD claims and thus has limited information on potential problems during claim development. Also, VA has reviewed BDD operations in only 16 of the 40 regional offices with the program. Reviewers in those 16 offices conducted limited assessments of some key aspects of program operations, such as ensuring that VA personnel fully developed claims prior to sending them to be rated. Finally, VA has not evaluated initiatives to improve the program, such as its effort to achieve paperless processing of BDD claims. As a result of these gaps in oversight, VA has limited information on how well the program is working or whether further improvements are warranted.

**What GAO Recommends** - GAO recommends that VA improve timeliness and accuracy measures for BDD and predischarge claims data, collect additional data to monitor these claims, evaluate the BDD paperless process initiative, and improve its reviews of BDD operations. GAO recommends that DOD improve how it measures its goal for participation in VA benefits briefings. GAO also recommends that VA and DOD disseminate promising practices for the cooperative exam process. DOD concurred with our recommendations. VA generally agreed with GAO recommendations but did not agree to track the timeliness of BDD and predischarge claims development.

**UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE (GAO) STUDIED  
VA'S INFORMATION TECHNOLOGY**  
<http://www.gao.gov/new.items/d081158t.pdf>

**What GAO Found** – DOD and VA are sharing some, but not all, electronic health information. This includes exchanging some information in computable form, which is the highest level of interoperability. In other cases, data can be viewed only—a lower level of interoperability that still provides clinicians with important information. The departments have undertaken a number of initiatives, resulting in varied sharing capabilities. However, information is still being captured in paper records at many DOD medical facilities, and not all electronic health information is being shared.

**What GAO Recommends** - GAO recommends that the departments give priority to fully establishing the interagency program office and finalizing the implementation plan. DOD and VA concurred with GAO's recommendations.

**FAST LETTERS**

VA utilizes Fast Letters to send information to all concerned about *fast* changing issues. These letters are sent via e-mail to all Regional Office Directors' mailboxes **and** are also available from the C&P Service website, ARMS & WARMS. Fast Letters can announce policy and procedural changes. The following are being disseminated to all National Service Officers (NSOs) in an effort to keep them informed of relevant VA actions. NSOs are encouraged to access the VA's Intranet for the complete document(s) listed below and to periodically review for updated Fast Letters.

### **FL 08-34 Revised Traumatic Brain Injury (TBI) Worksheet**

Effective immediately, a revised TBI disability examination worksheet is available for national use. This fast letter provides the new worksheet as an enclosure.

### **FL 08-26 *Vazquez-Flores v. Peake* and New Veterans Claims Assistance Act (VCAA) Notification Requirements**

This fast letter contains guidance on new notification requirements in claims for increased disability compensation. This letter supercedes any prior guidance regarding notification procedures resulting from a decision issued by the United States Court of Appeals for Veterans Claims (the Court) in *Vazquez-Flores v. Peake* on January 30, 2008.

*Vazquez-Flores v. Peake* created additional notice requirements for claims based on increased evaluation. The Court found that 38 U.S.C. § 5103(a) requires that VA notify the claimant of the following:

- 1) Medical or lay evidence that the claimant must provide, or ask VA to obtain, demonstrating a worsening or increase in severity of the disability and the effect that worsening has on employment and daily life;
- 2) At least general notice of the diagnostic code (DC) criteria, including any specific test or measurement with any applicable cross-referenced DC under which the veteran may be rated, if the requirements for an increase in evaluation would not be satisfied by a noticeable worsening or increase in severity of the disability and the effect that worsening has on employment and daily life;
- 3) A disability evaluation is determined by applying relevant DCs, which range typically between 0 percent to as much as 100 percent, and is based on the nature of the symptoms for which disability compensation is sought, their severity and duration, and their impact upon employment and daily life; and
- 4) Examples of the types of medical and lay evidence that are relevant to establishing entitlement to increased compensation (such as competent lay statements describing symptoms, medical and hospitalization records, medical statements, employer statements, job application rejections, and any other evidence showing an increase in the disability or exceptional circumstances relating to it).

### **FL 08-20 Benefits Delivery at Discharge Expansion and Pre-Discharge Claims Consolidation**

This Fast Letter (FL) supplements M21-1MR, Part III, Subpart i, Chapter 2, which provides information and guidance for processing and rating claims filed by servicemembers. The FL:

- includes updated information on the types of claims filed by active service personnel,
- expands the definition of a BDD claim, including removing the criterion that BDD claims can only be accepted at military installations where local memoranda of understanding (MOUs) are in place,
- provides updated procedures for processing pre-discharge claims,
- introduces the term “Quick Start Claim” as a part of pre-discharge claims processing, and
- consolidates all types of pre-discharge claims: BDD, VSI/SI, Quick Start, and DES.

Please see the enclosure “BDD and Pre-Discharge Flow Chart Definitions” that accompanies this Fast Letter for definitions of these types of claims.

### **FL 08-12 Overview of Changes in Evaluation of Visual Impairment Made by Public Law 110-157, the Dr. James Allen Veteran Vision Equity Act of 2007**

On December 26, 2007, the President signed Public Law 110-157, the Dr. James Allen Veteran Vision Equity Act of 2007 (the Act). In pertinent part, this Act amended 38 U.S.C. 1114(o) and 1160(a) regarding visual impairment. The provisions are effective the date of enactment.

#### Special Monthly Compensation (SMC)

The Act amended 38 U.S.C 1114(o) with respect to one of the eligibility criteria for entitlement to compensation at that level of SMC. That criterion is now bilateral deafness rated at 60 percent or more disabling together with bilateral visual acuity of 20/200 or less. This change is only for section 1114(o). The criterion for visual impairment in other paragraphs of section 1114 continues to be at a level of 5/200 or less.

VA will amend 38 CFR 3.350(e)(iii), Ratings under 38 U.S.C. 1114(o), by replacing visual acuity of 5/200 or less with visual acuity of 20/200 or less. Please note that the rating schedule has not changed and visual acuity of 20/200 bilaterally continues to be evaluated at 70 percent disabling.

VA will also amend the training materials on SMC and the manual provisions at M21-1MR IV.ii.2.H and M21-1MR IV.ii.2.I.

#### Paired Organs

The Act amended 38 U.S.C. 1160(a), which addresses special consideration for certain cases of loss of paired organs or extremities, by replacing the requirement for blindness in one eye as a result of service-connected disability and blindness in the other eye as a result of nonservice-connected disability with the requirement of impairment of vision in both eyes. The amendment also requires that the impairment of vision in each eye is rated at a visual acuity of 20/200 or less, or the peripheral field of vision for each eye is 20 degrees or less.

VA will amend 38 CFR 3.383(a) to include these new entitlement criteria for compensation to be payable for certain combinations of service-connected and nonservice-connected disabilities as if both disabilities were service-connected, provided the nonservice-connected disability is not the result of the veteran’s own willful misconduct.

VA will also amend the manual provision regarding paired organs at M21-1MR IV.ii.2.K.66.

**FEDERAL REGISTER**  
<http://www1.va.gov/ORPM/>

**VA PUBLISHES FINAL RULE REGARDING SUPPLEMENTAL STATEMENT OF THE CASES**

The VA published a final rule, effective July 16, 2008, amending its regulations to adjust the time period for filing a response to a Supplemental Statement of the Case in appeals to the Board of Veterans' Appeals (Board) from 60 days to 30 days. The purpose of this adjustment is to improve efficiency in the appeals process and reduce the time that it takes to resolve appeals while still providing appellants with a reasonable period to respond to a Supplemental Statement of the Case.

***Applicability Date:*** VA will apply this rule to appeals pending before VA after a period of 90 days from the effective date of this rule.

**VA PUBLISHES INTERIM FINAL RULE REGARDING PRESUMPTION OF SERVICE CONNECTION FOR AMYOTROPHIC LATERAL SCLEROSIS**

The VA published an interim final rule, effective September 23, 2008, amending its regulations to establish a presumption of service connection for amyotrophic lateral sclerosis (ALS) for any veteran who develops the disease at any time after separation from service. This amendment is necessary to implement a decision by the Secretary to establish such a presumption based primarily on a November 2006 report by the National Academy of Sciences Institute of Medicine (IOM) on the association between active service and ALS.

***Applicability Date:*** The provisions of this interim final rule shall apply to all applications for benefits that are received by VA on or after the effective date of this interim final rule or that are pending before VA, the Court, or the United States Court of Appeals for the Federal Circuit on the effective date of this interim final rule. In accordance with 38 U.S.C. 5110(g), the effective date of benefits awarded pursuant to this rule will be assigned in accordance with the facts found, but cannot be earlier than the effective date of this rule or the date one year prior to the date of application, whichever is later.

**VA PUBLISHES FINAL RULE REGARDING THE SCHEDULE FOR RATING DISABILITIES; EVALUATION OF SCARS**

The VA published a final rule, effective October 23, 2008, amending its regulations to the Schedule for Rating Disabilities by revising that portion of the Schedule that addresses the Skin, so that it more clearly reflects policies concerning the evaluation of scars.

***Applicability Date:*** This amendment shall apply to all applications for benefits received by VA on or after October 23, 2008. A veteran whom VA rated before such date under diagnostic codes 7800, 7801, 7802, 7803, 7804, or 7805 of 38 CFR 4.118 may request review under these clarified criteria, irrespective of whether his or her disability has worsened since the last review. The effective date of any award, or any increase in disability compensation, based on this



amendment will not be earlier than the effective date of this rule, but will otherwise be assigned under the current regulations regarding effective dates, 38 CFR 3.400, etc.

**VA PUBLISHES FINAL RULE REGARDING THE SCHEDULE FOR RATING  
DISABILITIES; EVALUATION OF RESIDUALS OF  
TRAUMATIC BRAIN INJURY (TBI)**

The VA published a final rule, effective October 23, 2008, amending its regulations to Schedule for Rating Disabilities by revising the portion of the Schedule that addresses neurological conditions and convulsive disorders. The effect of this action is to provide detailed and updated criteria for evaluating residuals of traumatic brain injury (TBI).

***Applicability Date:*** The amendment shall apply to all applications for benefits received by VA on or after October 23, 2008. The old criteria will apply to applications received by VA before that date. However, a veteran whose residuals of TBI were rated by VA under a prior version of 38 CFR 4.124a, diagnostic code 8045, will be permitted to request review under the new criteria, irrespective of whether his or her disability has worsened since the last review or whether VA receives any additional evidence. The effective date of any increase in disability compensation based solely on the new criteria would be no earlier than the effective date of the new criteria. The effective date of any award, or any increase in disability compensation, based solely on these new rating criteria will not be earlier than the effective date of this rule, but will otherwise be assigned under the current regulations governing effective dates, 38 CFR 3.400, etc. The rate of disability compensation will not be reduced based solely on these new rating criteria.

**DEFENSE DEPARTMENT**

**UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE (GAO) STUDIED THE  
MILITARY DISABILITY SYSTEM**

<http://www.gao.gov/new.items/d081137.pdf>

**What GAO Found** – Increased supports for Servicemembers and better pilot planning could improve the Disability Evaluation Process.

**What GAO Recommends** - GAO recommends that the Army explore options for improving its disability evaluation process and its servicemember satisfaction survey, and that DOD and VA (1) establish criteria for determining whether their pilot should be widely implemented and (2) take steps to sustain management attention on pilot evaluation and implementation. DOD and VA generally agreed with the recommendations.

**SOCIAL SECURITY ADMINISTRATION (SSA)**

**SSA EXPEDITING DISABILITY APPLICATIONS FOR WOUNDED WARRIORS**

<http://www.socialsecurity.gov/woundedwarriors/>

Military servicemembers can receive expedited processing of disability claims from Social Security. Benefits available through Social Security are different than those from the Department of Veterans Affairs and require a separate application. The expedited process is used for military



servicemembers who become disabled while on active military service on or after October 1, 2001, regardless of where the disability occurs.

**Active duty status and receipt of military pay does not, in itself, necessarily prevent payment of disability benefits.** Receipt of military payments should never stop military servicemembers from applying for disability benefits from Social Security. If a military service member is receiving treatment at a military medical facility and working in a designated therapy program or on limited duty, SSA will evaluate their work activity to determine eligibility for benefits. The actual work activity is the controlling factor and not the amount of pay the military service member receives or military duty status.

Military servicemembers may apply for disability benefits at any time while in military status or after discharge, whether still hospitalized, in a rehabilitation program or undergoing out-patient treatment in a military or civilian medical facility.

Military servicemembers may [apply online](#) at [www.socialsecurity.gov/woundedwarriors](http://www.socialsecurity.gov/woundedwarriors), in person at the [nearest Social Security office](#), by mail or by telephone. Or, call **1-800-772-1213** to

schedule an appointment. If the military service member is deaf or hard of hearing, they may call SSA's TTY number, **1-800-325-0778**. Online SSA has a "[disability starter kit](#)" available to help complete the application.

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