



# Service Bulletin

FEBRUARY 2008

## DEPARTMENT OF VETERANS AFFAIRS (VA)

### VA SUICIDE HOTLINE BEGINS

To ensure veterans with emotional crises have round-the-clock access to trained professionals, the Department of Veterans Affairs (VA) has begun operation of a national suicide prevention hotline for veterans. To operate the national hotline, VA is partnering with the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services (HHS) and the National Suicide Prevention Lifeline. Veterans can call 1-800-273-TALK (8255) and press "1" to reach the VA hotline, which will be staffed by mental health professionals in Canandaigua, N.Y. who will work closely with local VA mental health providers to help callers.

### ELIGIBILITY GUIDELINES FOR A ONE-TIME COURSE OF DENTAL CARE FOR CERTAIN HOMELESS AND OTHER ENROLLED VETERANS

<http://www1.va.gov/vhapublications/>

Veterans Health Administration (VHA) Directive 2007-039 defines the eligibility guidelines for a one-time course of dental care for certain homeless and other enrolled veterans. Title 38 United States Code (U.S.C.) § 2062 establishes authority for the Department of Veterans Affairs (VA) to provide limited outpatient dental benefits. Dental benefits provided under Title 38 U.S.C. § 2062 are to be furnished on a one-time course of dental care that is provided in the same manner as the dental benefits provided to a veteran newly discharged from military service.

### PROVISION OF MEDICAL STATEMENTS AND COMPLETION OF FORMS BY VA HEALTH CARE PROVIDERS

<http://www1.va.gov/vhapublications/>

The **corrected copy** of Veterans Health Administration (VHA) Directive 2007-024 defines VHA policy that VHA health care providers must honor all requests by patients for completion of non-VHA medical forms with the exception of the completion of examination forms if a third party customarily pays health care practitioners for the examination, but does not pay VA; in addition they must honor all requests for the provision of medical statements, following procedures established by the local facility Release of Information (ROI) Office. This Directive identifies a process to assist VHA providers in honoring requests by veterans to complete those forms.

**\*\*Important Note\*\* This VHA Directive expires September 30, 2012.**

**PUBLIC LAW 109-461 ADDS A NEW GROUP OF PERSONS  
WHO MAY BE ELIGIBLE FOR DEA BENEFITS**

Public Law 109-461 added a new group of persons who may be eligible for Dependents and Educational Assistance (DEA) benefits. Effective December 23, 2006, spouses and children of servicemembers hospitalized or receiving outpatient care for a VA determined service-connected permanent and total disability *may* be eligible for DEA benefits.

In that regard, section 301 of Public Law 109-461 added a new category to the definition of “eligible person” for DEA benefits. The new category includes the spouse or child of a person who:

- VA determines has a service-connected permanent and total disability; and
- at the time of VA’s determination is a member of the Armed Forces who is hospitalized or receiving outpatient medical care, services, or treatment; and
- is likely to be discharged or released from service for this service-connected disability.

Persons eligible under this new provision may be eligible for DEA benefits effective December 23, 2006, the effective date of the law.

**VOCATIONAL REHABILITATION AND EMPLOYMENT (VR&E)  
ISSUES GUIDELINES FOR REVISION OF REQUIREMENTS FOR INTERVAL  
PAYMENT OF SUBSISTENCE ALLOWANCE**

The VA issued a circular, 28-07-1, on January 29, 2007. The purpose of this circular is to provide guidance on revisions to the requirements for interval payments for Chapter 31 subsistence allowance.

Previously, under 38 U.S.C. § 3680(a), VA education benefits could be paid (with some exceptions) for breaks between school terms, semesters, or quarters, if the breaks did not exceed a full calendar month. Public Law 106-419 revises 38 U.S.C. § 3680(a) to allow payment of VA education benefits for a break between school terms under the following conditions: (1) The break does not exceed eight weeks (56 days); and, (2) The terms before and after the break are not shorter than the break.

This circular affects all VR&E Divisions within the Regional Offices. This provision is effective for breaks beginning on or after November 1, 2000.

## **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 07-27 Claims from veterans who served aboard the USS Ingersoll (DD652)**

The USS Ingersoll (DD 652) operated during the Vietnam Era as a Navy destroyer gunship conducting fire support missions along the coast of the Republic of Vietnam for military ground operations. In addition to coastal duty, the USS Ingersoll traveled up the Saigon River on October 24<sup>th</sup> and 25<sup>th</sup> of 1965 to fire on enemy bases. C&P Service has reviewed the ship's deck logs, located at the National Archives and Records Administration (NARA), and confirmed this service on the "inland waterways" of the Republic of Vietnam. As a result, the presumption of herbicide exposure, as described in 38 CFR 3.307(a)(6), can be extended to any crewmember who served aboard the vessel on these dates. (See M21-1MR section IV.ii.2.C.10.b.)

### **FL 07-21 Traumatic Brain Injury (TBI) worksheet**

A growing number of combat fatalities in Iraq are a direct result of blast injuries caused by Improvised Explosive Devices (IEDs). Blast injuries are a growing cause of Traumatic Brain Injury (TBI) cases in the Gulf Theater. However, due to medical treatment advances, VA is seeing more military personnel surviving these injuries to the head than in past wars. An examination worksheet for TBI has been developed for use.

### **FL 07-07 Accrued Benefits**

A final rulemaking regarding accrued benefits was published in the Federal Register on December 29, 2006 at 71 FR 78368. The rulemaking amends 38 CFR 3.1000 to be consistent with 38 U.S.C. 5121 and to clarify certain concepts related to accrued benefits by explaining the phrases "entitled at death" and "due and unpaid". The effective date of the amendment is January 29, 2007.

## **TRAINING LETTERS**

Training Letters contain additional information about topics that is not available in the regulations or manuals. The purpose of these letters is to educate as well as inform. Training Letters do not replace manual or regulation information, they only supplement them. The following are being disseminated to all National Service Officers (NSOs) in an effort to keep them informed of relevant VA training activities. NSOs are encouraged to access the VA's Intranet for the complete document(s) listed below and to periodically review for updated Training Letters.

## **TL 07-05 Evaluating Residuals of Traumatic Brain Injury**

TL 06-03, titled Traumatic Brain Injury, was issued in February 2006. It provided extensive medical information about the causes of traumatic brain injury (TBI), especially as related to combat, the anatomy and physiology of the brain, signs and symptoms of TBI, grades of severity of TBI, the course of recovery and consequences of TBI, and disabilities resulting from TBI. It also provided some basic rating information about TBI.

This training letter serves as a follow-up to TL 06-03 to provide additional information about the specifics of rating TBI, including guidance on using extra-schedular evaluations for TBI in certain cases. It should be used in conjunction with a review of the previous TBI training letter. Additional material, including a new worksheet and computerized template for TBI examinations and a revision of selected neurologic regulations addressing TBI, are under development and will be available soon.

## **TL 07-02 Resources for Research of PTSD Stressors**

The primary focus for this training letter is to provide guidance on basic steps in accessing VBA-sanctioned web sites for research on corroborating stressors in PTSD cases. This training letter will assist regional offices in utilizing research resources to expedite the processing of PTSD claims and to help reduce the backlog of cases at the U.S. Army and Joint Services Records Research Center (JSRRC).

### **FEDERAL REGISTER**

<http://www1.va.gov/ORPM/>

## **VA AMENDS REGULATION CONCERNING DEPENDENTS' EDUCATIONAL ASSISTANCE**

The VA published a final rule, effective January 7, 2008, to amend its regulations governing dependents' educational assistance (DEA). The amendments expand eligibility, for pursuit of a course of education that occurs after December 22, 2006, to include spouses and children of servicemembers receiving treatment for permanent and total disability incurred in the line of duty and likely to result in discharge or release from service. Under prior law, only spouses and children of servicemembers missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power had eligibility for DEA. VA's DEA regulations, specifically 38 CFR 3.807(a)(5), restate the statutory basic eligibility criteria for spouses and children of servicemembers.

## **VA PUBLISHES FINAL RULE AMENDING GOVERNMENT-FURNISHED HEADSTONE AND MARKER REGULATIONS**

The VA published a final rule, effective September 9, 2007, to amend its regulations, 38 C.F.R. § 38.630 and 38.631. This final rule amends the Department of Veterans Affairs (VA) regulations applicable to Government furnished headstones or markers for placement in a national, State veterans, or private cemetery. The final rule specifies that a veteran's spouse or surviving spouse, whose remains are unavailable for burial, and who died after November 11, 1998, is eligible for a memorial headstone or marker for placement in a national or State veteran's cemetery.

This final rule also specifies that a veteran's dependent child, whose remains are unavailable for burial, and who died after December 22, 2006, is eligible for a memorial headstone or marker for placement in a national or State veterans cemetery. Lastly, this final rule extends for 1 year the authority to provide a Government furnished headstone or marker for already marked graves of eligible veterans whose deaths occurred on or after September 11, 2001, for placement in private cemeteries.

The amendments to 38 CFR 38.630 shall apply to requests for memorialization of a veteran's spouse or surviving spouse whose death occurred after November 11, 1998, and to requests for memorialization of a veteran's dependent child whose death occurred after December 22, 2006. The amendments to 38 CFR 38.631 apply to eligible veteran deaths occurring on or after September 11, 2001.

### **VA PUBLISHES PROPOSED RULE CONCERNING THE SCHEDULE FOR RATING DISABILITIES; EVALUATION OF SCARS**

The VA published a proposed rule to amend its regulations regarding the evaluation of scars under the schedule for rating disabilities. Scars resulting from burns potentially involve a wide range of locations, extent and severity. This rule would clarify that VA's diagnostic codes and means for evaluating scars, set forth under 38 C.F.R. § 4.118, also encompass burn scars by incorporating "burn scars" into the title of the diagnostic codes most appropriate for evaluating them. At the same time, it would revise diagnostic codes 7800, 7801, 7802, 7804, and 7805, and remove diagnostic code 7803, to update and clarify the rating schedule.

### **VA PUBLISHES PROPOSED RULE CONCERNING THE SCHEDULE FOR RATING DISABILITIES; EVALUATION OF RESIDUALS OF TRAUMATIC BRAIN INJURIES**

The VA published a proposed rule to amend the Department of Veterans Affairs (VA) Schedule for Rating Disabilities by revising the portion of the Schedule that addresses neurological conditions and convulsive disorders, in order to provide detailed and updated criteria for evaluating residuals of traumatic brain injury (TBI).

This document proposes to revise the material under diagnostic code 8045, Brain disease due to trauma, in 38 CFR 4.124a (neurological conditions and convulsive disorders). TBI has been called a signature injury of the conflict in Iraq, and VA is seeing a statistically larger number of veterans of the Iraq and Afghanistan conflicts with residuals of TBI than has been seen in previous conflicts. In addition, the effects of injuries stemming from blasts resulting from roadside explosions of improvised explosive devices, which have been common sources of injury in these conflicts, appear to be somewhat different from the effects of brain trauma seen from other sources of injury. VA proposes to amend the criteria for rating residuals of TBI to update them in light of current knowledge of the condition.

VA also proposes changing the title of diagnostic code 8045 from "Brain disease due to trauma" to "Residuals of traumatic brain injury (TBI)," which reflects modern terminology for this condition.

**VA PUBLISHES FINAL RULE EXTENDING THE PRESUMPTIVE  
PERIOD FOR COMPENSATION FOR GULF WAR VETERANS**

*The VA published a final rule, effective December 5, 2007, to amend its regulation, 38 C.F.R. § 3.317. The final rule amends the VA's adjudication regulations regarding compensation for disabilities resulting from undiagnosed illnesses suffered by veterans who served in the Persian Gulf War. The presumptive period is extended to December 31, 2011, for qualifying chronic disabilities resulting from undiagnosed illnesses that must become manifest to a compensable degree in order that entitlement to compensation may be established.*

**OFFICE OF THE GENERAL COUNSEL  
PRECEDENT OPINIONS**

<http://www.va.gov/ogc/precedentopinions.asp>

The General Counsel (GC) of VA issues written legal opinions having a precedent effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The GC's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation, Court decision, or a superseding written legal opinion of the GC.

VA provides these opinions in order to give the public notice of those interpretations of the GC that must be followed in future benefit matters and to assist veterans and their representatives in the prosecution of the claims process. The opinions are online at the link listed above. NSOs are encouraged to periodically review the website for updated OGC precedent opinions.

**U.S. COURT OF APPEALS FOR VETERANS CLAIMS (Court)**

<http://www.vetapp.gov/>

The Court has developed a body of case law specific to entitlement to veterans' benefits which can be located online at the link noted above. As always, NSOs should carefully review VA rating board decisions and BVA decisions to ensure they comply with the precedent decisions of the Court.

**U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT (Federal Circuit)**

<http://www.cafc.uscourts.gov/>

The Federal Circuit has developed a body of case law specific to entitlement to veterans' benefits which can be located online at the link noted above. As always, NSOs should carefully review VA rating board decisions and BVA decisions to ensure they comply with the precedent decisions of the Federal Circuit as well as the Court of Appeals for Veterans Claims.

## **DEFENSE DEPARTMENT**

### **GUARD MEMBERS AND FAMILIES**

<http://www.guardfamily.org/Public/Application/Welcome.aspx?ngbcid=ServiceMember>

The Department of Defense (DoD) has developed a number of helpful readiness guidebooks and checklists to help ensure necessary tasks are accomplished before, during, and after deployment. The link provides finance options, benefits and entitlements and other pertinent readiness information.

### **CAMP LEJEUNE WATER STUDY**

Anyone who lived or worked on Marine Corps Base Camp Lejeune between 1957 and 1987 may have been exposed to contaminated drinking water.

The United States Marine Corps encourages all those who resided on the base prior to 1987 to register at the official Camp Lejeune water study website (<http://www.usmc.mil/clsurvey>) to receive updated information and notifications regarding the ongoing water study.

The Agency for Toxic Substance and Disease Registry (ATSDR), a federal public health agency, is conducting this study to determine whether any potential health risks are associated with exposure to the impacted drinking water. The projected completion of the study is expected mid-2008. At that time the Marine Corps will notify former residents with the results.

#### **Additional Information**

Camp Lejeune Water Study Call Center

(877) 261-9782

Monday - Friday, 8:30 AM and 5:00 PM, EST

or via e-mail [clwater@usmc.mil](mailto:clwater@usmc.mil)

### **SOCIAL SECURITY ADMINISTRATION (SSA)**

#### **SSA EXPEDITING DISABILITY APPLICATIONS FOR WOUNDED WARRIORS**

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

Military service members 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 service members 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 service members 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 service members 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 service members 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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