

**IDENTIFYING SPECIAL ISSUES CLAIMS
TRAINEE HANDOUT**

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OBJECTIVES

At the end of the lesson, the RVSR, will be able to

- Identify special issues for Rating purposes.
- Recognize four special issue claims that are centralized at specific Regional Offices
- Identify special issues that necessitate special evidentiary requirements and/or development

**EXPLAIN THE DEVELOPMENT PROCEDURES FOR COLD EXPOSURE, HIV-AIDS,
AND ASBESTOS CLAIMS.**

REFERENCES

- User Guides: [Personnel Information Exchange System \(PIES\) User Guide](#)
[VBMS User Guide](#)
- Coordinator Lists: [Homeless Veteran Coordinators](#)
[Former Prisoner of War Coordinators \(VBA\)](#)
- Asbestos: M21-1 IV.ii.1.I.3 Developing Claims for Service Connection for Asbestos-Related Diseases
M21-1 IV.ii.2.C.2.h ** Service Connection for Disabilities Resulting from Exposure to Asbestos During Service
38 CFR 3.300 ** Claims based on the effects of tobacco products
Asbestos MOS memo to PIES Coordinators dated May 13, 2002
Navy MOS codes and their probability of exposure can also be found online at <http://www.mesotheliomaweb.org/navyjobexposure.htm>. Please note that while this website is a .org portal it is not an official reference within VA.
- Cold Injuries: M21-1 III.iv.4.E.2.d Granting SC for Residuals of Cold Injuries
M21-1 III.iv.4.E.2.f-g 38 USC 1154(a) Chosen Reservoir Campaign
- Former POW: M21-1 IV.ii.1.G Claims based on Former POW (FPOW) status
38 CFR 3.1(y) Prisoner of war definition
- HIV-AIDS: M21-1 III.ii.4.A.6 Records Pertaining to Human Immunodeficiency Virus(HIV) or Acquired Immune Deficiency Syndrome (AIDS), Alcohol or Drug Abuse, and Sickle Cell Anemia
M21-1 III.IV.4.C.3 Developing Claims for Service Connection for Acquired Immune Deficiency Syndrome (AIDS)
- Mustard Gas: M21-1 IV.ii.1.F Claims for service connection for disabilities resulting from exposure to mustard gas or Lewisite
38 CFR 3.316 Claims based on chronic effects of exposure to mustard gas and Lewisite.
- Radiation: M21-1 IV.ii.1.B Claims for service connection for radiogenic diseases under 38 CFR 3.309(d)
M21-1 IV.ii.1.B.2 Claims for service connection for disabilities from ionizing radiation under 38 CFR 3.311

	38 CFR 3.309(d)	Disease subject to presumptive service connection (Diseases specific to radiation-exposed Veterans)
	38 CFR 3.311	Claims based on exposure to ionizing radiation
Spina Bifida:	M21-1 VI.1	General Chapter 18 Benefits Information
	38 CFR 3.814	Monetary allowance under 38 U.S.C. chapter 18 for an individual suffering from spina bifida whose biological father or mother is or was a Vietnam veteran or a veteran with covered service in Korea.
	38 U.S.C. Chapter 18	38 USC Chapter 18 - Benefits for Children of Vietnam Veterans and Certain Other Veterans

**These references are primarily for RVSRs.

***TL 02-01 has been rescinded due to incorporation into the Live Manual. However, it contains helpful scenarios.

TOPIC 1: REGIONAL OFFICE SPECIFIC

VA has identified three issues requiring such in-depth development procedures that these cases have been centralized to various Regional Offices (ROs) for processing.

Issue	Regional Office of Jurisdiction	Handling and Transfer Out Requirements
Radiation	Jackson, MS	<p>EP Modifier ‘2’</p> <p>For claims based on exposure under 38 CFR 3.309(d), the Veteran must</p> <ul style="list-style-type: none"> ▪ Have one of the presumptive radiogenic diseases listed in 38 CFR 3.309(d)(2) must be shown to exist by medical evidence. ▪ Allege that the disability was the result of participation in a radiation-risk activity. <p>Claims based on exposure under 38 CFR 3.311, the Veteran must</p> <ul style="list-style-type: none"> ▪ Have one of the radiogenic diseases listed in 38 CFR 3.311(b)(2) or has submitted a verified medical opinion showing that an unlisted claimed condition is a radiogenic disease. ▪ Have been exposed to ionizing radiation while a participant involving the atmospheric nuclear weapons testing, the post-war occupation of Hiroshima or Nagasaki from September 1945 until July 1, 1946, POW internment in Japan, or there was exposure to ionizing radiation from other in-service activities.
Mustard Gas	Muskogee, OK	<p>All legitimate claims and appeals for mustard gas exposure are to be transferred to the Muskogee RO along with the Veteran’s claims folder. Any simultaneous claims will be worked at the Muskogee RO.</p>

Spina Bifida	Denver, CO	<p>Any claim or appeal for spina bifida will be forwarded to the Denver RO for processing, along with the following information:</p> <ul style="list-style-type: none"> ❖ Claim document with any supporting evidence from the claimant ❖ Any service data/verification available from the Veteran's claim folder ❖ Any development evidence or additional documentation evidence received from the claimant or any other source

EXPOSURE ONLY CLAIMS

Any time a Veteran files a claim based on exposure only (for radiation, asbestos, or herbicide) and does not claim service connection for a specific disability, you must

- Inform the Veteran that exposure, in and of itself, is not a disability, and
- Ask the Veteran to identify a disability(ies) that resulted from exposure to radiation during service.

These claims are considered to be incomplete and do not warrant control under a rating related end product. Control will be established under an EP 400 that will be cleared upon completion of the notification letter.

TOPIC 2: ASBESTOS MOS HANDOUT

ASBESTOS MOS HANDOUT

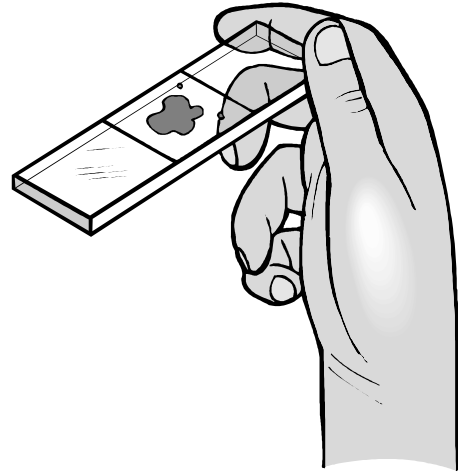
MOS Code	Job Title	Probability of Exposure
AA	Airman Apprentice	Minimal
ABE	Aviation Boatswain's Mate (Launch & Rec Equip)	Probable
ABF	Aviation Boatswain's Mate	Probable
ABH	Aviation Boatswain's Mate (Aircraft Handler	Probable
AC	Air Traffic Controller	Minimal
ACM	Aviation Chief Metalsmith	Probable
ADJ	Aviation Machinist's Mate (Jet Engine Mechanic)	Probable
ADR	Aviation Machinist's Mate	Probable
AE	Aviation Electrician's Mate	Probable
AFCM	Aircraft Maintenceman (Master Chief)	Minimal
AG	Aerographer's Mate	Minimal
AK	Aviation Storekeeper	Minimal
AM	Aviation Structural Mechanic	Probable
AME	Aviation Structural Mechanic (Safety Equipment)	Probable
AMH	Aviation Structural Mechanic (Hydraulics)	Probable
AMS	Aviation Structural Mechanic (Structural)	Probable
AN	Airman	Minimal
AO	Aviation Ordnanceman	Minimal
AQ	Aviation Fire Control Technician	Highly Probable
AR	Airman Recruit	Minimal
ARM	Aviation Radioman	Probable
AS	Aviation Support Equipment Technician	Probable
AT	Aviation Electronic Technician	Probable
AW	Aviation Antisubmarine Warfare Operator	Probable
AX	Aviation Antisubmarine Warfare Technician	Probable
AZ	Aviation Maintenance Administrationman	Minimal
B	Boilermaker (WWII)	Highly Probable
BU	Builder	Probable
BM	Boatswain's Mate	Minimal
BR	Boilermaker	Highly Probable
BT	Boiler Technician	Highly Probable
CD	Construction Driver	Probable
CE	Construction Electrician	Probable
CM	Construction Mechanic	Minimal
CN	Constructionman	Probable
Cox	Coxswain	Minimal
CS	Commissaryman	Minimal
CT	Communication Technician	Minimal
CTR	Cryptologic Technician (Collections)	Minimal
DC	Damage Controlman	Minimal
DK	Disbursing Clerk	Minimal
DP	Data Processing Technician	Minimal

DS	Data System Technician	Minimal
DT	Dental Technician	Minimal
EM	Electrician's Mate	Probable
EN	Engineman	Probable
EO	Equipment Operator	Minimal
ET	Electronics Technician	Probable
FC	Fire Controlman	Highly Probable
FN	Fireman	Highly Probable
FP	Pipefitter	Highly Probable
FT	Fire Control Technician	Highly Probable
FTG	Fire Control Technician (Guns)	Highly Probable
GM	Gunner's Mate	Minimal
GSM	Gas Turbine System Technician (Mechanical)	Probable
HC	Hospital Corpsman	Minimal
HN	Hospitalman	Minimal
HT	Hull Maintenance Technician	Highly Probable
IC	Interior Communication Technician	Probable
IM	Instrumentman	Highly Probable
LI	Lithographer	Minimal
M(ME)	Metalsmith	Minimal
MA	Master-At-Arms	Minimal
MLC	Molder	Probable
MM	Machinist Mate	Probable
MN	Mineman	Minimal
MOMM	Motor Machinist Mate	Probable
MR	Machinery Repairman	Minimal
MS	Mess Management Specialist	Minimal
MT	Missile Technician	Probable
MU	Musician	Minimal
NC	Navy Counselor	Minimal
OM	Opticalman	Minimal
OSPC	Operations Specialist	Minimal
PC	Postal Clerk	Minimal
PH	Photographer's Mate	Minimal
PHM	Pharmacist	Minimal
PN	Personnelman	Minimal
Prtr	Printer	Minimal
PT	Photographic Intelligenceman	Minimal
PTR	Painter	Probable
QM	Quartermaster	Minimal
RD	Radarman	Minimal
RM	Radioman	Minimal
RN	Radarman	Minimal
SA	Seaman Apprentice	Minimal
SC	Ship's Cook	Minimal
SD	Stewart	Minimal
SF	Shipfitter	Minimal
SFM	Shipfitter (Metal Smith)	Minimal

SFP	Shipfitter (Pipefitter)	Minimal
SH	Ship's Serviceman	Minimal
SK	Storekeeper	Minimal
SM	Signalman	Minimal
SN	Seaman	Minimal
SO	Sonarman	Highly Probable
SOM	Soundman	Highly Probable
ST	Sonar Technician	Highly Probable
STG/SOG	Sonar Technician (Surface)	Highly Probable
STS	Sonar Technician (Submarine)	Highly Probable
StM	Steward's Mate	Minimal
SW	Steelworker	Probable
TA	Stewart Apprentice	Minimal
TD	Trademan	Minimal
TE	Teletype	Minimal
TM	Torpedoman's Mate	Probable
TN	Stewardsman	Minimal
UT	Utilitiesman	Highly Probable
WT	Water Tender	Highly Probable
Y	Yeoman	Minimal

TOPIC 3: HIV-AIDS HANDOUT

Human
Immunodeficiency
Virus
Acquired
Immune
Deficiency
Syndrome



AIDS or Acquired Immune Deficiency Syndrome

Defined by the *Centers for Disease Control* as a disease at least moderately predictive of a defect in cell-mediated immunity occurring in a person with no known cause for diminished resistance to that disease. AIDS is a syndrome and therefore may be identified by any number of associated diseases. AIDS is caused by HIV.

HIV or Human Immunodeficiency Virus

An infection caused by one of several retroviruses that become incorporated into host cell DNA and result in a wide range of clinical presentations varying from asymptomatic carrier states to severely debilitating and fatal disorders.

Epidemiology

HIV is **not** transmitted by casual contact or even the close non-sexual contact that normally occurs at work, home or in school. HIV is transmitted through bodily fluid contact (i.e. breast milk, blood, semen).

Testing

The most commonly used laboratory test for AIDS is the HIV antibody test. Two antibody tests are available, namely the screening ELISA test and the confirmatory Western Blot.

Reference: Merck Manual, 16th Edition

TOPIC 1 EXERCISE - SPECIAL ISSUES

Instructions: Please complete each question below using the references provided in the lesson.

Why does VA have some issues identified as ‘special issues?’

List the main reasons why VA recognizes and/or creates special issues and some of the issues that may fall under that reason.

Reason	→	Special Issue(s)
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TOPIC 2 EXERCISE - EXPEDITIOUS PROCESSING

Instructions: VA develops claims for three issues in the exact same manner as any other claim for disability compensation benefits. The issues include Global War on Terror (GWOT), Traumatic Brain Injury (TBI), and “Homeless Veteran” claims. These three issues are singled out because each of these cases requires expedited processing for several reasons. As a RVSR, you will see “Homeless Veteran” claims most frequently. However, this may change if you are assigned to a GWOT Team that works all cases identified as a Global War on Terrorism claim. Use the spaces below to list each issue, the reason why VA expedites the issue, and the proper handling method.

Issue	Reason	Handling
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PRACTICAL EXERCISE

Directions: **The instructor is to review the scenarios with the trainees and provide the answers to the associated questions.**

REVIEW EXERCISE

Please complete the following review. You will be allowed 15 minutes to complete this task.

1. Identify five special issue claims.

2. Name two reasons why these issues are special.

3. What special (or additional) steps are needed when developing a homeless Veteran's claim?

4. Name the three issues that are centralized at various Regional Offices and the issues' corresponding office.

	at	
	at	
	at	

5. Please read the following scenarios and answer the questions that follow.

Henry McLaughlin served honorably with the U.S. Navy for four years. During his tour, he was stationed on a ship in the waters off the coast of Japan. He states he was part of the post-war occupation of Japan and is filing a claim for service connected compensation due to radiation exposure. He submitted a signed 21-526.

- a. What is this claim?

b. What development action do you need to take?

Matthew Mitchell filed a claim for service connected compensation for residuals of frostbite and numbness and pain of his lower extremities. Mr. Mitchell's certified DD214 shows he served honorably with the U.S. Army and participated in the Ardennes and Rhineland campaigns during WWII.

a. Is this a special issue claim?

b. What development action do you need to take?

6. A Veteran files a claim for service-connected compensation for HIV. What additional information is needed in support of the Veteran's claim?

7. List four illnesses caused by asbestos exposure.

8. Find the job title and probability rates for the following MOS codes.

<u>MOS code</u>	<u>Job Title</u>	<u>Probability Rate</u>
AQ	_____	_____
StM	_____	_____
HT	_____	_____
FN	_____	_____

9. What is the PIES request code to obtain personnel records to verify asbestos exposure?

10. What are the campaigns that may be listed on a Veteran's DD214 that verify exposure to extreme cold for cold injury claims?
