Identifying Special Issue Claims

Instructor Lesson Plan

Time Required: 2.0 Hours

**Table of Contents**

[Lesson Description 2](#_Toc460245189)

[Introduction to Special Issue Claims 4](#_Toc460245190)

[Topic 1: Special Issue Claims Overview 6](#_Toc460245191)

[Topic 2: Claims that Require Priority Processing 7](#_Toc460245192)

[Topic 3: Exposure Disabilities 9](#_Toc460245193)

[Practical Exercise 14](#_Toc460245194)

[Lesson Review, Assessment, and Wrap-up 15](#_Toc460245195)

|  |  |
| --- | --- |
| Lesson Description | |
| The information below provides the instructor with an overview of the lesson and the materials that are required to effectively present this instruction. | |
| TMS # | 4192346 |
| Prerequisites | Not Applicable |
| target audience | The target audience for Special Issue Claims is RVSR, Entry Level.  Although this lesson is targeted to teach the RVSR, Entry Level employee, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 2.0 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Special Issue Claims PowerPoint Presentation * Special Issue Claims Trainee Handouts * Special Issue Claims review exercise |
| Training Area/Tools | The following are required to ensure the trainees are able to meet the lesson objectives:   * Classroom or private area suitable for participatory discussions * Seating, writing materials, and writing surfaces for trainee note taking and participation * Handouts, which include a practical exercise * Large writing surface (easel pad, chalkboard, dry erase board, overhead projector, etc.) with appropriate writing materials * Computer with PowerPoint software to present the lesson material   Trainees require access to the following tools:   * VA TMS to complete the assessment * Special Issue Claim exercise |
| Pre-Planning | * Become familiar with all training materials by reading the Instructor Lesson Plan while simultaneously reviewing the corresponding PowerPoint slides. This will provide you the opportunity to see the connection between the Lesson Plan and the slides, which will allow for a more structured presentation during the training session. * Become familiar with the content of the trainee handouts and their association to the Lesson Plan. * Practice is the best guarantee of providing a quality presentation. At a minimum, do a complete walkthrough of the presentation to practice coordination between this Lesson Plan, the trainee handouts, and the PowerPoint slides and ensure your timing is on track with the length of the lesson. * Ensure that there are copies of all handouts before the training session. * When required, reserve the training room. * Arrange for equipment such as flip charts, an overhead projector, and any other equipment (as needed). * Talk to people in your office who are most familiar with this topic to collect experiences that you can include as examples in the lesson. * This lesson plan belongs to you. Feel free to highlight headings, key phrases, or other information to help the instruction flow smoothly. Feel free to add any notes or information that you need in the margins. |
| Training Day | * Arrive as early as possible to ensure access to the facility and computers. * Become familiar with the location of restrooms and other facilities that the trainees will require. * Test the computer and projector to ensure they are working properly. * Before class begins, open the PowerPoint presentation to the first slide. This will help to ensure the presentation is functioning properly. * Make sure that a whiteboard or flip chart and the associated markers are available. * The instructor completes a roll call attendance sheet or provides a sign-in sheet to the students. The attendance records are forwarded to the Regional Office Training Managers. |

|  |  |  |
| --- | --- | --- |
| Introduction to Special Issue Claims | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | 2.0 hours |
| Purpose of Lesson  Explain the following: | | This lesson is intended to introduce the RVSR trainees to special issue claims. This lesson will contain discussions and exercises that will allow you to gain a better understanding of:   * The seven special issues * Five special issue claims that are centralized at the specific Regional Offices * Special issues that necessitate special evidentiary requirements and developmental procedures |
| Lesson Objectives  Discuss the following:  Slide 2 | In order to accomplish the purpose of this lesson, the RVSR trainee will be able to:  Identify at least five special issue claims  Identify which Regional Offices handle the different types of special issue claims  Identify special issues that necessitate special evidentiary requirement and development procedures | |
| Star Error Code(s) | **A1, B1c, B2m, D1g, D1k, D1l, E1** | |
| References  Slide 3-5    Handout 3 | **Explain** where these references are located in the workplace. **Emphasize** that M21-1 Part IV, Subpart ii, Chapter 1, Section A-H serves as the backbone of many special issue cases.  All M21-1 references are found in the [Live Manual Website](https://vaww.compensation.pension.km.va.gov/) and Part 3 references are located in the eCFRs [http://www.ecfr.gov/](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_12).   * [38 CFR 3.309(c-d), Disease specific as to former prisoners of war and radiation exposed Veterans](http://www.ecfr.gov/cgi-bin/text-idx?SID=0630d5624c5da26fa967f7f946edcb2f&mc=true&node=se38.1.3_1309&rgn=div8) * [38 CFR 3.311, Claims based on exposure to ionizing radiation](http://www.ecfr.gov/cgi-bin/text-idx?SID=0630d5624c5da26fa967f7f946edcb2f&mc=true&node=se38.1.3_1311&rgn=div8) * [38 CFR 3.317, Compensation for certain disabilities occurring in Persian Gulf Veterans](http://www.ecfr.gov/cgi-bin/text-idx?SID=9790e3e2dcc9542dfd59a9cfef7a80ef&node=se38.1.3_1317&rgn=div8) * [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](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58) * [38 CFR 3.815, Monetary allowance under 38 U.S.C. chapter 18 for an individual with disability from covered birth defects whose biological mother is or was a Vietnam veteran; identification of covered birth defects](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58) * [M21-1, Part III, Subpart ii, Chapter 1, Section D Claims Requiring Priority Processing](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23agent%2Fportal%2F554400000001034%2Farticle%2F554400000020037%2FM21-1-Part-III-Subpart-ii-Chapter-1-Section-D-Claims-That-Require-Priority-Processing) * [M21-1, Part III, Subpart iii, Chapter 2, Section E Obtaining Service Information For Claims Involving Exposure to Contaminated Water at Camp Lejeune](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23agent%2Fportal%2F554400000001034%2Farticle%2F554400000014159%2FM21-1-Part-III-Subpart-iii-Chapter-2-Section-E-Unique-Claims-and-Situations-That-Require-Special-Handling) * [M21-1, Part III, Subpart iv, Chapter 4, Section E General Effects of Injury Due to Cold](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23agent%2Fportal%2F554400000001034%2Farticle%2F554400000014198%2FM21-1-Part-III-Subpart-iv-Chapter-4-Section-E-Cardiovascular-System-Conditions) * [M21-1, Part IV, Subpart ii, Chapter 1, Section A General Information on Developing Compensation Claims](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23agent%2Fportal%2F554400000001034%2Farticle%2F554400000014321%2FM21-1-Part-IV-Subpart-ii-Chapter-1-Section-A-Developing-Compensation-Claims) * [M21-1, Part IV, Subpart ii, Chapter 1, Section B General Information on Claims for SC for Radiogenic Diseases Under 38 CFR 3.309(d)](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23agent%2Fportal%2F554400000001034%2Farticle%2F554400000014904%2FM21-1-Part-IV-Subpart-ii-Chapter-1-Section-B-Claims-for-Service-Connection-for-Radiogenic-Diseases-Under-38-CFR-3309d) * [M21-1 Part IV, Subpart ii, Chapter 1, Section H Developing Claims Based on Herbicide Exposure in the RVN](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23agent%2Fportal%2F554400000001034%2Farticle%2F554400000014940%2FM21-1-Part-IV-Subpart-ii-Chapter-1-Section-H-Developing-Claims-for-Service-Connection-SC-Based-on-Herbicide-Exposure) * [M21-1, Part IV, Subpart ii, Chapter 1, Section H Developing Claims Based on Exposure to Agent Orange for Select Air Force Personnel Through Contact With Contaminated C-123 Aircraft Used in the RVN as Part of ORH](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23agent%2Fportal%2F554400000001034%2Farticle%2F554400000014940%2FM21-1-Part-IV-Subpart-ii-Chapter-1-Section-H-Developing-Claims-for-Service-Connection-SC-Based-on-Herbicide-Exposure) * [M21-1, Part IV, Subpart ii, Chapter 2, Section C Service Connection for Disabilities Resulting from Exposure to Asbestos](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23agent%2Fportal%2F554400000001034%2Farticle%2F554400000014556%2FM21-1-Part-IV-Subpart-ii-Chapter-2-Section-C-Service-Connection-SC-for-Disabilities-Resulting-From-Exposure-to-Environmental-Hazards-or-Service-in-the-Republic-of-Vietnam-RVN) * [M21-1, Part IV, Subpart ii, Chapter 2, Section C, Service Connection for Disabilities from Exposure to Other Specific Environmental Hazards](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23agent%2Fportal%2F554400000001034%2Farticle%2F554400000014556%2FM21-1-Part-IV-Subpart-ii-Chapter-2-Section-C-Service-Connection-SC-for-Disabilities-Resulting-From-Exposure-to-Environmental-Hazards-or-Service-in-the-Republic-of-Vietnam-RVN%3FfromQuery%3Dother%20exposures) * [M21-1 Part IV, Subpart ii, Chapter 2, Section D, Service Connection (SC) for Qualifying Disabilities Associated with Service in Southwest Asia](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23agent%2Fportal%2F554400000001034%2Farticle%2F554400000014557%2FM21-1-Part-IV-Subpart-ii-Chapter-2-Section-D-Service-Connection-SC-for-Qualifying-Disabilities-Associated-with-Service-in-Southwest-Asia) * [M21-1 Part VI, Part 2, Section A Chapter 18 Claims Process/Spina Bifida and Other Covered Birth Defects](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23agent%2Fportal%2F554400000001034%2Farticle%2F554400000014962%2FM21-1-Part-VI-Chapter-2-Section-A-Process-Overview) | |

|  |  |
| --- | --- |
| Topic 1: Special Issue Claims Overview | |
| Introduction | This topic will allow the trainee to identify and direct action on special issue claims. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Identify two reasons that makes a special issue claim a special issue claim. * Identify what causes an issue to be classified as a special issue claim. * Introduction to VA special tracking methods   The following topic teaching points support the topic objectives:   * Special Issue Claims require specific processing steps based on complexity, sensitivity, and in some case, the ability to expedite the handling of the claim. |
| Overview and Overview continued  Slide 7 | The VA identifies certain types of claims as special issues claims for two reasons:   1. They involve unconventional or more labor intensive development; or, 2. They require special handling to ensure proper and timely adjudication |
| Handling of Special Issue Claims  Slide 9  Handout 5 | How does va track special issue claims?   1. EP modifers (which we mostly done away with now) 2. Claims folder flashes 3. Participant profile flashes 4. Special issue indicators in VBMS-R |
| note(s) | Explain that we have special issues claims because some claims require special handling and also because they have special issue selections in VBMS-R that exist to aid in tracking and analysis. |

|  |  |
| --- | --- |
| Topic 2: Claims that Require Priority Processing | |
| Introduction | Certain Veterans receive priority processing based on either the nature of their service, for example FPOWs, or because of there vulernability such as homeless or terminally ill Veterans. |
| Time Required | 0.5 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Introduce special groups that require priority processing * Identify claims that require processing by specific ROs   The following topic teaching points support the topic objectives:   * [Discussion of III.ii.1.D.1.a-b](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#1https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/) * Reference to specific ROs |
| Claims that Require Priority Processing  Slide 10  Handout 12 | Any claimant who is:   1. FPOW, including surviviors of FPOWs 2. Diagnosed with ALS 3. FDC program participants 4. Experiencing a financial hardship, requires evidence such as eviction notice, overdue utility bills, garnishes and so on |
|  |  |
| Claims that Require Priority Processing (continued)  Slide 11  Handout 12 | Any current or former member of the Armed Forces, or survivor who   1. Was very seriously injured/seriously (VSI/SI) and is NOT currently receiving VA disability benefits 2. Is a FPOW 3. Is homeless 4. Is terminally ill 5. More than 85 years old 6. Received a Medal of Honor |
| Regional Office Specific  Slide 12  Handout 5  Slide 13  Slide 14  Handout 7 | Due to the complicated nature of some claims, they are centralized to specific ROs for processing:   1. Radiation claim are worked in Jackson, Mississippi 2. Must have a 3.309(d) disease, a death certificate showing one of the diseases, or a medical opinion linking a non-3.309(d) condition to exposure while on active duty 3. Or file under 3.311(b)(2) 4. Participation in a radiation-risk activity.   3.309(d)(3)(ii) The term *radiation-exposed veteran* means either a veteran who while serving on active duty, or an individual who while a member of a reserve component of the Armed Forces during a period of active duty for training or inactive duty training, participated in a radiation-risk activity.  Mustard Gas claims are worked in Muskogee, Oklahoma   1. Must have one of the 3.316 disease processes, commonly skin or respiratory disease 2. Full body exposure during field or chamber experiment   Spina Bifida claims are worked in Denver, Colorado   1. Also known as Chapter 18 benefits 2. Must include: Claim document and supporting evidence; service data/service verification; evidence received from claimant or any other source |
| *Slide 15*  *Slide 16*  *Slide 17* | Camp Lejeune Contaminated Water Claims are primarily worked in Louisville with some exceptions:   1. Veterans living overseas, Pittsburgh 2. Original/Pre-Discharge. Salt Lake City, Winston-Salem, and DRAS   C-123 Aircraft Agent Orange Claim, St. Paul   1. Limited to a select group of AF and AF Reserve personnel 2. Regular and repeated duties as flight medical and ground maintenance 3. Partcipated in Operation Ranch Hand   Exposure to any hazard is not considered a disability, therefore we must defer to the VSR to do the following:   1. Inform the Veteran that exposure is not a disability; and 2. Request that the Veteran identify a specific disability associated with this exposure 3. Rating EP control will not be established until the Veteran submits a sustaintally complete application, to include a disability associated with exposure |

|  |  |
| --- | --- |
| Topic 3: Exposure Disabilities | |
| Introduction | The purpose of this section is to introduce exposure disabilities with an emphasis on asbestos. |
| Time Required | 0.5 hours |
| OBJECTIVES/ Teaching Points  Handout 8-10 | Topic objectives:   * RVSR trianees will be able to identify disabilities associated with special issues * RVSR trainees will be able to inspect/direct development for special issue items   The following topic teaching points support the topic objectives:   * Brief discussion of cold injuries, HIV-AIDS * Asbestos covered more in-depth |
| Cold Injury  Slide 18  **Compensation for Certain PGW Veterans**  Slide 19  **Compensation for Certain PGW Veterans (cont.)**  Slide 20 | Cold injuries are common amoung three groups of Veterans:   1. WWII Veterans can have cold inuries 2. Korean conflict Veterans also commonly have cold injuries 3. Former POWs also commonly have cold weather injuries   Examples of residual injuries due to cold weather injuries:  <https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Ftopic%2F554400000002920%2FM21-4-Manual>   1. Chronic fungal foot infections 2. Numbness and circulatory issues, Raynaud’s 3. Skin ulceration or discoloration 4. Decreased sensation 5. Arthritis (commonly hand and feet) 6. Muscle atropthy   Compensation is payable to certain Persian Gulf War (PGW) Veterans. The Veteran must have served on the ground, in the air, or on the water in Southwest Asia Theater of Operations, as defined by the Statute.  Governing statute is 3.317.  Examples of undiagnosed illness and medically unexplained chronic multisymtom illnesses are listed on the left side.  Examples of infectious diseases subject to presumptive service connection is listed on the right side of the slide. The table in 3.317 provides disease processes that correspond to the exposure.   |  |  | | --- | --- | | **Undiagnosed/Unexplained**   * Fatigue * Headache * Muscle pain * Joint pain * Neurological conditions * Neuropsychological conditions * Sleep disturbance * Gastrointestinal conditions | **Presumptive Infectious Diseases**   * Brucellosis * Campylobacter jejuni * Coxiella burnetii (Q fever) * Malaria * Mycobacterium tuberculosis * Nonthyphoid salmonella * Shigella * West Nile virus | |
| Cold Injury Development  Slide 21 | No extra paragraphs in Section 5103 notice letter  Verify campaign participation, i.e., Chosin reservoir, Ardennes, Rhineland, Battle of the Bulge  Consider FPOW status  Order Cold Injury Residuals VAE (only done at VA)  Consider the STRs and also the circumstances of service |
| HIV-AIDS  Slide 22  Handout 10  Asbestos  Slide 23  **Asbestos (continued)**  Slide 24  Handout 8-9 | HIV is caused by a retrovirus that incorporates into host cell DNA and is transmitted through bodily fluid contact  Development is the same as other claims, except that pre-induction blood screening will need to be of record, if not in STRs request PIES O28 or DPRIS  Asbestos is a long, thin, fibrous, crystalline mineral that is hazardous when inhaled.  Respiratory diseases due to asbestos may manifest 10 to 45 years after exposure  WWII Navy Veterans were heavily exposed, asbestos was used extensively in military ship building  WWII Navy Veterans were heavily exposed, asbestos was used extensively in military ship building  Major occupation with exposure:   1. Mining 2. Insulation work 3. Work in shipyards 4. Carpentry and construction |
| **Asbestos (continued)**  Slide 25 | Common disabilities associated with asbestos exposure:   1. Interstitial pulmonary fibrosis, or asbestosis 2. Tumors 3. Pleural effusuion and fibrosis 4. Pleural plaques 5. Mesotheliomas of the pleura and peritoneum 6. Cancers of the lung, bronchus, GI tract, larynx, pharynx, and urogenital system (except prostate cancer) |
| Asbestos (continued)  *Slide 26*  Asbestos (continued)  *Slide 27* | Development actions for asbestos includes the following:   1. Section 5103 with special development paragraphs for asbestos 2. DD 214/personnel records for the Veteran’s MOS 3. MOS should be compared to exposure probability list 4. If probable or highly probable, with current diagnosis of an asbestos-related disease, VAE and opinion is warranted   [Asbestos exposure worksheet](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Ftopic%2F554400000002920%2FM21-4-Manual)  If there are no personnel records, request PIES O16  Exposure only is an incomplete claim, contact Veteran to determine |
| *Slide 28* | what disability they are claiming  Reminders: Senistivity, empathy, and professional tact are of considerable significance in adjudicating special issue claims. |
| Exercise  *Handout 11-12* | Please see worksheets on Pages 11 and 12 of the Student Handout. Please have the trainees complete the worksheets and discuss the answers with them. |
| Regional Office Specific Topics | At this time add any information pertaining to:   * Station quality issues with this lesson * Additional State specific programs/guidance on this lesson |

|  |  |
| --- | --- |
| Practical Exercise (2) | |
| Time Required | 0.5 hours |
| EXERCISE  *Handout 13-14* | **Directions:** The students are presented a worksheet to complete in the Student Handout. The instructor is to review the scenarios with the trainees and provide the answers to the associated questions.  Ask if there are any questions about the information presented in the exercise, and then proceed to the Review. |

|  |  |
| --- | --- |
| Lesson Review, Assessment, and Wrap-up | |
| Introduction  Discuss the following: | The Special Issue Claims lesson is complete.  Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | 0.25 hours |
| Lesson Objectives | The RVSR trainee will complete the Review exercise with 98 percent accuracy. At the end of the exercise they will be able to:   * Identify at least five special issue claims * Identify four special issue claims that are centralized to ROs * Special issues that require special evidence and development procedures |
| Assessment | Remind the trainees to complete the on-line assessment in TMS to receive credit for completion of the course.  The assessment will allow the participants to demonstrate their understanding of the information presented in this lesson. |