General Policy

Trainee Handout

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Objectives

In order to accomplish the purpose of this lesson, the RVSR trainee will be able to complete the following practical exercises after the IWT portion of the lesson has been completed.

TheRVSRwill be able to:

* Apply the knowledge they just learned about General Policies in a Rating Decision and answer the following questions as they relate to the principles for establishing service connection in 38 CFR Part 3.

References

All M21-1 references are found in the [Live Manual Website](https://vaww.compensation.pension.km.va.gov/).

* [**38 CFR Part 3**](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58)
* **[38 CFR 3.159(a)(2),Competent Lay Evidence](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=39c7e367a71c8efc570650851b266303&rgn=div5&view=text&node=38:1.0.1.1.4&idno=38" \l "se38.1.3_1159)**
* **[M21-1 Part III, Subpart iv, Chapters 2-8, General Rating Process](C:\\Users\\ACDNATTE\\AppData\\Local\\Temp\\2\\Forms\\AllItems.aspx)**
* **[M21-1 Part IV, Subpart ii, Chapter 2 Rating (compensation)](C:\\Users\\ACDNATTE\\AppData\\Local\\Temp\\2\\Forms\\AllItems.aspx)**
* **[M21-1 Part IV, Subpart ii, Chapter 2, Section B Establishing Direct SC Based on Chronicity](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014553%2FM21-1-Part-IV-Subpart-ii-Chapter-2-Section-B-Determining-Service-Connection-SC)**
* [**McLendon v. Nicholson No. 04-0185, June 5, 2006**](http://vbaw.vba.va.gov/bl/21/advisory/CAVCDAD.htm)

Topic 1: Exercise

**Instructions:** Multiple choice questions. Choose the correct answer.

1. The regulation containing disabilities based on presumptive service connection is?

1. 38 CFR §3.306
2. 38 CFR §3.310
3. 38 CFR §3.309
4. 38 CFR §3.321

2. What regulation governs cardiovascular diseases secondary to service-connected amputations at certain levels?

1. 38 CFR 3.310(c)
2. 38 CFR 3.313(b)
3. 38 CFR 3.317(a)(2)(i)
4. 38 CFR 3.350(a)(1)

3. What determination (whether to grant/deny) is required under 38 CFR 3.324?

1. Special Adapted Housing
2. Dependents’ Educational Assistance (DEA/CH35)
3. Aid & Attendance/Housebound
4. 10% for multiple non-compensable (0%)

4. Which disability is not considered a chronic disability under 38 CFR 3.309(a)?

1. Cirrhosis of the liver
2. Endocarditis
3. Other organic diseases of the nervous system
4. Gastritis

5. 38 CFR 3.304(d) recognizes what aspect of military service to be considered as “sufficient proof” of service connection if the evidence is consistent with the circumstances, conditions, or hardships of such service?

1. Exposure to ionizing radiation
2. Service in the Persian Gulf
3. Combat
4. Exposure to tropical diseases

6. What benefit entitlement is governed under 38 CFR 3.358 and 38 CFR 3.361?

1. Establishing Permanent and Total
2. 38 U.S.C. 1151
3. Loss of Use of a Creative Organ
4. Aid & Attendance

7. Which theater of operation is not included in the regulation 3.317(e)(2)?

1. Afghanistan
2. Saudi Arabia
3. Bahrain
4. The Gulf of Aden

Practical Exercise

Directions: The trainee will review the scenarios and provide the answers to the associated questions. The Instructor will provide the correct answers at the end of the lesson.

1. A Veteran was honorably discharged from the military 1/5/2014, he is now claiming service connection for pes planus. On his entrance exam it is noted he has mild flat feet but is inducted into service and serves from 2/10/2000-1/5/2014.
   1. Can we concede this condition for Direct Service connection? Yes/No
   2. If so, what regulation(s) would you use in making your decion?
2. A Veteran is recently discharge after serving in the military from 3/10/1998-3/10/2016, and he starts to immediately have gastric problems. He seeks medical attention at the VAMC April 10, 2016 for periodic vomiting, and severe abdominal pain. Again he goes to the VAMC on May 15, 2016, because he is vomiting and again has severe abdominal pain. This time they run a test and it shows anemia. He is diagnosed with a chronic peptic ulcer. His service treatment records are silent for any known condition or symptoms.
   1. Can we service connect this condition? Yes/No
   2. If so, what regulation(s) would you use in making your decision?