Asbestos Related Disability Claims

Instructor Lesson Plan

Time Required: 2 Hours

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| 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 # | 4192978 |
| Prerequisites | Prior to this lesson, the Veteran Service Representatives (VSRs) should have completed Challenge. |
| target audience | The target audience for Asbestos Related Disability Claims Development is Intermediate or Journey Level VSRs.Although this lesson is targeted to teach the Intermediate or Journey Level VSRs, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | **2 hours** |
| Materials/TRAINING AIDS | Lesson materials:* Asbestos Related Disability Claims Development PowerPoint Presentation
* Asbestos Related Disability Claims Development Trainee Handouts
 |
| 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
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| 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.
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| 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.
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| Introduction to Asbestos Related Disability Claims Development |
| INSTRUCTOR INTRODUCTION | Complete the following:* Introduce yourself
* Orient learners to the facilities
* Ensure that all learners have the required handouts
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| time required | **.25 hours** |
| Purpose of Lesson | This lesson is intended to provide information on developing claims for service connection disabilities resulting from exposure to asbestos. |
| Lesson ObjectivesSlide 2Handout 2 | In order to accomplish the purpose of this lesson, the VSR will be required to accomplish the following lesson objectives.TheVSRwill be able to: * Identify and understand the characteristics of asbestos and health effects associated with exposure
* Identify occupations at a high risk for asbestos exposure
* Develop claims for disabilities caused by asbestos exposure

Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed. |
| Motivation | A homeless Veteran attended an Outreach Stand-Down to get a haircut, food, and help with his persistent cough. He was not in receipt of any compensation or pension benefits. At the Stand-Down, the Outreach Coordinator talked with the Veteran for a few minutes and discovered that the Veteran served in the Navy and had recently been diagnosed with throat cancer. The Outreach Coordinator put the Veteran in touch with a VSR at the local RO. While the VSR was interviewing the Veteran and helping him complete an application, the VSR realized that the Veteran may be entitled to compensation benefits because of his medical condition and his potential exposure to asbestos. We were able to service-connect the Veteran’s throat cancer as a residual of his asbestos exposure during service. Because of the actions of the Outreach Coordinator and VSR, the Veteran was able to get off the street and into an apartment and receive very much needed medical care. The Veteran was not aware that he was even eligible for these benefits and if not for the Outreach Coordinator and VSR, the Veteran may still be homeless and not receiving medical care for his throat cancer. |

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| STAR Error code(s) | While preparing for your training, please review the STAR Error Database for recent error trends associated with **Asbestos Related Disabilty Claims Development** and discuss during your training.  For assistance accessing the STAR Error Database please see your Training Manager or a QR team member. |
| ReferencesSlide 3Handout 3 | Explain where these references are located in the workplace.All M21-1 references are found in the [Live Manual Website](https://vaww.compensation.pension.km.va.gov/).* [**CFR 4.97, Schedule of ratings—respiratory system**](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.4&rgn=div5#se38.1.4_197)
* [**M21-1 Part IV, Subpart ii, 1.I.3, Developing Claims for SC for Asbestos-Related Diseases**](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#agent/portal/554400000001034/article/554400000033326/M21-1-Part-IV-Subpart-ii-Chapter-1-S)
* [**M21-1 Part IV, Subpart ii, 2.C.2, SC for Disabilities Resulting From Exposure to Asbestos**](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/#!agent/portal/554400000001034/article/554400000014556/M21-1-Part-IV-Subpart-ii-Chapter-2-S)
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| Topic 1: Asbestos Overview |
| Introduction | This topic will provide the VSR with basic information about asbestos, its uses, how people were exposure, and its related diseases.  |
| Time Required | **.50 hours** |
| OBJECTIVES/Teaching Points | Topic objectives:* Identify and understand the characteristics of asbestos and health effects associated with exposure
* Identify occupations at a high risk for asbestos exposure
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| **Asbestos Description**Slide 4-5Handout 4 | ***Asbestos*** is a fibrous form of a silicate mineral of varied chemical composition and physical configuration, derived from serpentine and amphibole ore bodies. The asbestos fibers are obtained from these minerals after the rocks have been crushed. When materials containing asbestos are disturbed or damaged, the asbestos fibers and particles are released into the air. Breathing asbestos fibers can lead to an increased risk of lung disease.The six types of asbestos are: * Crocidolite and Amosite – Were distributed in large quantities from Africa for products manufactured in the United States.
* Chrysotile – The most commonly encountered form in the United States.
* Tremolite, Actinolite, and Anthrophyllite – Less common but still found in construction and insulation materials.
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| **Asbestos Use** Slide 6Handout 4 | Due to concerns about the safety of asbestos, the use of materials containing asbestos has declined in the United States since the 1970s.Common materials that may contain asbestos include: * Steam pipes for heating units and boilers
* Ceiling tiles
* Roofing shingles
* Wallboard
* Fire-proofing materials
* Thermal insulation
 |
| Asbestos ExposureSlide 8-9Handout 4-5 | Asbestos fiber masses have a tendency to break easily into tiny dust particles that can float in the air, stick to clothes, and may be inhaled or swallowed. The biological actions of the various fibers differ depending upon the size and type of asbestos fibers, which are either chrysotile or crocidolite and amosite. Some of the major occupations for exposure to asbestos include: * Mining
* Milling
* Work in shipyards
* Insulation work
* Demolition of old buildings
* Carpentry and construction
* Manufacture and servicing of friction products, such as:
	+ Clutch facings
	+ Brake linings
* Manufacture and installation of products, such as:
	+ Roofing and flooring materials
	+ Asbestos cement sheet and pipe products
	+ Military equipment

Exposure to any simple type of asbestos is unusual except in mines and mills where the raw materials are produced.High exposure to asbestos and a high prevalence of disease have been noted in insulation and shipyard workers from the World War II (WWII) era. During WWII, several million people employed in U.S. shipyards and U.S. Navy Veterans were exposed to asbestos products used extensively in military ship construction. Many of these people have only recently sought medical attention because of the potentially long latent period between first exposure and development of disease.Disease-causing exposure to asbestos may be: * Brief, and/or
* Indirect

The latent period for development of disease due to exposure to asbestos ranges from 10 to 45 or more years between first exposure and development of disease.  |
| Health Effects of Asbestos ExposureSlide 9-10Handout 5-6 | A clinical diagnosis of asbestosis requires: * A history of exposure
* Radiographic evidence of parenchyma lung disease

General effects of inhalation of asbestos fibers can produce: * Fibrosis, the most commonly occurring of which is interstitial pulmonary fibrosis, or asbestosis
* Tumors
* Pleural effusions and fibrosis
* Pleural plaques (scars of the lining that surround the lungs)
* Mesotheliomas of pleura and peritoneum
* Cancers of the:
	+ Lung
	+ Bronchus
	+ Gastrointestinal tract
	+ Larynx
	+ Pharynx
	+ Urogenital system, except the prostate

Signs and symptoms of asbestosis include: * Dyspnea on exertion
* End-respiratory rales over the lower lobes
* Compensatory emphysema
* Clubbing of the fingers at late stages
* Pulmonary function impairment and cor pulmonale that can be demonstrated by instrumental methods

Chrysotile asbestos: * Initially affects the small airways of the lung
* Causes asbestosis (scaring of the lung tissue) more slowly
* Results in lung cancer more often

Crocidolite and Amosite asbestos: * Initially effects the small blood vessels of the lung, alveolar walls, and pleura
* Results more often in mesothelioma

Specific effects of exposure to asbestos include the following cancers: * Lung that:
	+ Originates in the lung parenchyma rather than the bronchi
	+ Eventually develops in about 50% of persons with asbestosis
* Gastrointestinal that develops in 10% of persons with asbestosis
* Urogenital that develops in 10% of persons with asbestosis
* Mesothelioma that develops in 17% of persons with asbestosis

All persons with significant asbestosis develop: * Cor pulmonale (enlargement of the right ventricle of the heart)
* Heart disease secondary to disease of the lung or its blood vessels

Those who do not die from cancer often die from heart failure secondary to cor pulmonale.  |

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| Topic 2: Asbestos Related Disability Claims Development |
| Introduction | This topic will provide VSRs with information on how to develop claims for service connection for asbestos related disabilities.  |
| Time Required | **.50 hours** |
| OBJECTIVES/Teaching Points | Topic objectives:* Develop claims for disabilities caused by asbestos exposure
 |
| **Asbestos Exposure, No Claimed Condition**Slide 11-12Handout 7 | If a Veteran alleges exposure to asbestos during service, but does not claim service connection for a specific disability, the claim may not be substantially complete.If asbestos exposure is the only issue listed on the application:* Change the EP to a 400
* Use the ***Incomplete Application Letter*** template under the IPC drop down in Letter Creator
	+ Add the following paragraph between the first and second paragraphs of the letter template\*:
		- *Specifically, you did not list a specific disease that resulted from asbestos exposure. Tell us why you believe the disability was caused by asbestos and provide some evidence, such as a medical opinion, of this relationship.*
* Once the letter is uploaded and sent, clear the 400 EP

**\*The beginning of your edited letter should look like this:***We received VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits on September 6, 2016. We are returning this application form to you because it was incomplete. We cannot process your claim until the highlighted part of the form is completed.* *Specifically, you did not list a specific disease that resulted from asbestos exposure. Tell us why you believe the disability was caused by asbestos and provide some evidence, such as a medical opinion, of this relationship.**If we receive your completed application within one year from the date we received your incomplete application, we will consider your claim filed as of the date of receipt of your incomplete application. If we receive your completed application more than one year from the date we received your incomplete application, we will consider your claim filed as of the date of receipt of the completed application.***DO NOT**: * Process the claim as a denial
* Establish EP control for the incomplete claim
* Modify any other part of the Letter Creator template

If there are other issues listed on the application:* Attempt to contact the Veteran by phone and identify the disability that resulted from exposure to asbestos during service
	+ If successful, process the claim as normal
* If unsuccessful, send the Veteran a development letter requesting this information
* Inform the Veteran that no further action will be taken on this issue unless the Veteran identifies a medical condition related to asbestos exposure

**DO NOT:*** Deny the exposure issue
* Clear the pending EP
 |
| Asbestos DevelopmentSlide 13-15Handout 7-8Show the trainees where to find the asbestos special issue paragraphs. Show them which paragraph to use to develop for the circumstances surrounding exposure. | Develop for a claim for disabilities related to asbestos exposure the same as you would for any claim for compensation. This includes requests for:* STRs
* Private medical records
* Service Verification
* VA Medical Center records
* Vet Center records

The only additional development needed for claims for disabilities related to asbestos exposure is:* Personnel records (PIES O50 or DPRIS)
* Develop to the Veteran for the cicumstances surrounding exposure
* Medical evicence regarding any asbestos related disabilities (only if the claim was not submitted on a VA Form 21-526EZ)

*\*\*Even if the Veteran submits his claim on a VA Form 21-526EZ, we would need to complete development specific to asbestos exposure. This development will not exclude the Veteran from the Fully Developed Claim program.\*\***\*\*If the evidence is already of record, do not develop to the Veteran or a third party\*\**After gathering all evidence, if it appears an examination may be warranted, annotate any evidence received and route the file to the RVSR for an exam review. It it appears an examination is not warranted, annotate any evidence received and route the file to the RVSR for a decision. |
| DEMONSTRATION | **VBMS Development Demonstration** |
| Exercise | **Asbestos Development Scenarios** |

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| Practical Exercise |
| Time Required | **.5 hours** |
| EXERCISE | Instructions:* The trainees should work individually on the exercise
* Allow the trainees 15 minutes to answer the questions
* Review the correct responses

Ask if there are any questions about the information presented in the exercise, and then proceed to the review.  |

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| Lesson Review, Assessment, and Wrap-up |
| Introduction | The Asbestos Related Disability Claims Development lesson is complete. Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | **.25 hours**  |
| Lesson Objectives | You have completed the Asbestos Related Disability Claims Development lesson. The trainee should be able to: * Identify and understand the characteristics of asbestos and health effects associated with exposure
* Identify occupations at a high risk for asbestos exposure
* Develop claims for disabilities caused by asbestos exposure
 |
| 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. |