Blue Water Navy – Records Research Team (RRT)

Instructor Lesson Plan

Time Required: 2.0 Hours

**Table of Contents**

[Lesson Description 2](#_Toc25566618)

[Introduction to Records Research Team (RRT) 4](#_Toc25566619)

[Topic 1: Understand the Background for Blue Water Navy 6](#_Toc25566620)

[Topic 2: Understand the Responsibilities Once NWQ Routes Claims to Records Research Team 7](#_Toc25566621)

[Topic 3: Understand the VBA-Approved Tools 8](#_Toc25566622)

[Topic 4: Understand the Evidence-Based Determination Procedures 10](#_Toc25566623)

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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 # | 4539945 |
| Prerequisites | None |
| target audience | The target audience for Records Research Team for Blue Water Navy Claims. |
| Time Required | 2 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * Records Research Team Power Point Presentation * Records Research Team Lesson Plan * Records Research Team Handouts * Records Research Team Tools * Compensation Service Intranet |
| Training Area/Tools | The following are required to ensure the trainees are able to meet the lesson objectives:   * Classroom or private area suitable for discussions * Seating, writing materials, and writing surfaces * Handouts, which include a practical exercise * Large writing surface (easel pad, chalkboard, dry erase board, etc.) with appropriate writing materials * Computer with PowerPoint software   Trainees require access to the following tools:   * VA TMS to complete the assessment * VA TMS Evaluation |
| 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. |

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| Introduction to Records Research Team (RRT) | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | 0.25 hours |
| Purpose of Lesson | | This lesson is intended to give the trainees an overview of Records Research Team’s process. This lesson will contain discussions and exercises that will allow trainees to gain a better understanding of:   * The background information for Blue Water Navy * The purpose of the Records Research Team * The specific responsibilities of the Records Research Team * Types of VBA-approved tools used by Records Research Team * The evidence-based determinations procedures |
| Objectives  Slide 2  Handout 2 | In order to accomplish the purpose of this lesson, the Records Research Team will be required to accomplish the following lesson objectives.  After this training, the Records Research Team will be able to:   * Understand the background for Blue Water Navy * Understand the responsibilities once NWQ routes claims to Records Research Team * Understand the VBA-approved tools * Understand the Evidence-Based Determination Procedures | |
|  | Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed. | |
| Motivation | It is important for trainees to understand that the Records Research Team will provide necessary Blue Water Navy development actions when exposure to herbicides cannot be verified, but enough information is located within the evidence of record to submit the exposure to the RRT for further research. | |
| STAR Error code(s) |  | |
| References  Slide 3  Handout 3 | Explain these references.   * Records Research Team Standard Operating Procedure (SOP) | |

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| Topic 1: Understand the Background for Blue Water Navy | |
| Introduction | This topic will explain the to the trainees why the RRT is necessary to help the Veteran obtain what is needed to substantiate their Agent Orange – Blue Water Navy claim. It begins when there is in-service evidence of herbicide exposure and the possibility of evidence based on one of the conditions listed in 38 CFR 3.309 (e). |
| Time Required | 0.5 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Understand *Procopio vs. Wilkie* * Understand the Blue Water Navy Vietnam Veterans Act of 2019 |
| Background Information  Slide 4-5  Handout 4 | **January 29, 2019**, the Federal Circuit issued a decision in *Procopio v. Wilkie* regarding service in the territorial sea of the Republic of Vietnam (RVN) and Agent Orange exposure.   * Veterans Benefits Administration (VBA) issued interim procedures for controlling claims with VBA Letter 20-19-05 on February 15, 2019; the VBA letter instructed to stay decision on affected claims.   **June 25, 2019**, the President signed the Blue Water Navy Vietnam Veterans Act of 2019:   * Congress directed the Statutory Amendments in the new law to go into effect on January 1, 2020; and * Authorized VA to Stay Decisions on pending claims from Date of Enactment.   **July 1, 2019**, Secretary Wilkie issued a stay on all claims affected by the new law, except to effectuate a Board of Veterans' Appeals (Board) grant that was issued prior to the stay or where VA is obligated to comply with the order of any court. This stay applies to disability and survivors claims that are affected by the statutory amendments, namely:   * claims based on service in the offshore waters of the RVN during the period beginning on January 9, 1962, and ending on May 7, 1975; and * for service in or near the Korean Demilitarized Zone during the period beginning on September 1, 1967 and ending on August 31, 1971; and * for claims for benefits for spina bifida from children of Veterans who were allegedly exposed to herbicides while serving in Thailand during the period beginning January 9, 1962 and ending on May 7, 1975. |
| Topic 2: Understand the Responsibilities Once NWQ Routes Claims to Records Research Team | |
| Introduction | This topic will assist the trainees in better understanding the procedures are once the claims are routed to the RRT. |
| Time Required | 0.25 hours |
| OBJECTIVES/ Teaching Points  **RRT Responsibilities**  Slide 6-7  Handout 5 | Topic objectives:   * Ensuring proper development is complete; and * Researching deck logs; and * Utilizing VBA-approved tools; and * Consulting Military Services (as necessary); and * Documenting Evidence-Based Determinations for ship location.   ***Note:*** The Records Research Team is responsible for researching deck logs, using VBA-approved tools, consulting with the military services as necessary, and documenting the evidence-based determination for the Veteran’s ship location.  Ensure Proper Development has been completed: |
| Claims Routed to Records RRT Queue | |  |  | | --- | --- | | Yes | Utilize the VBA-approved tools | | No | Remove Special 12-mile Review special issue from all 38 C.F.R. §3.309(e)-related contentions, then:   * Defer claim back to the Centralized Processing Team (include information necessary for development) | |
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| Topic 3: Understand the VBA-Approved Tools | |
| Introduction | This topic will discuss the tools used by the Records Research Team that will determine if Herbicide Exposure can be conceded. |
| Time Required | 0.5 hours |
| OBJECTIVES/ Teaching Points  **VBA-approved tools**  Slides 8-9  Handout 6-7  **Agent Orange** was not transported, stored, or used aboard Navy or Coast Guard ships.    If a Veteran claims exposure to herbicides due to transport, storage, or use of herbicides aboard a Navy or Coast Guard ship, and the ship is not shown to have been in a qualifying location, refer the claim to the Records Research Team for additional research.  **Emphasize:** Blue Water Navy is in its early stages and we are developing new strategies for verifications. We are constantly in the process of gaining, but also loosing tools to utilize. | Topic objectives:   * Identify tools used to verify herbicide exposure   The following topic teaching points support the topic objectives:   * Primary Tools   ***Note:*** The Records Research Team will utilize VBA’s Ship Locator Tool hosted in **Oracle Business Intelligence Enterprise Edition (OBIEE).** This tool leverages Navy and Coast Guard vessel deck log coordinate data used to determine whether herbicide exposure can be conceded.  Additionally, the Records Research Team will use the following tools to determine whether herbicide exposure can be conceded, when the Ship Locator Tool alone is not enough:   * CONGA Tool * Quartermaster Geospatial Database * Records Research Team Verified Ship List * Command History Reports * Navy Cruise Books * NARA * Muster Rolls   ***Army***   |  | | --- | | Muster Rolls |   ***Navy***   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Verified Ship List | Command History Reports | CONGA Tool | Quartermaster Geospatial Database | Navy Cruise Books | Muster  Rolls |   ***Air Force***   |  | | --- | | Muster Rolls |   ***Marines***   |  |  | | --- | --- | | NARA | Muster Rolls |   ***Coast Guard***   |  |  | | --- | --- | | NARA | Mary Yates |   ***Note:*** CONGA is a text file maintained by the National Archives and Records Administration (NARA). The file documents Naval Gunfire Support missions that occurred during the Vietnam War. Documenting the ship involvement and location.  ***Note:*** Command History Report is a detailed keyword search of narrative text search of Navy Deck Logs for indications of bay/harbor service or other indications of service within eligible offshore waters.  *Example* *from Command History Report: The Amphibious Ready Group departed 7 Sept. en route for another special operation in South Vietnam. On 15 Sept. the Ready Group commenced Operation GO TIGERS landing Marines 3 miles south of the Demilitarized Zone between North and South Vietnam.* |
| Topic 4: Understand the Evidence-Based Determination Procedures | |
| Introduction | This topic contains information about research and the development VA undertakes in connection with Blue Water Navy claims. |
| Time Required | 0.5 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Identify evidence-based determinations regarding a Veteran’s service in eligible offshore waters of the Republic of Vietnam   The following topic teaching points support the topic objectives:   * Determining if exposure can be confirmed; and * Determining if JSRRC or Special Operations Records request is necessary; and * Determining what actions to take to concede or not concede exposure. |
| Evidence-Based Determination Procedures  Slides 10-12  Handout 8-9 | Can Exposure be confirmed by VBA-approved tools?   |  |  | | --- | --- | | YES, then | Complete and upload VBA-approved Exposure Verification Memo to the Veteran’s VBMS eFolder using the following subject line: **Eligible Offshore Service Confirmed.** Then:   * Remove Special 12-mile Review special issue * Close out all associated tracked items and leave Secondary Action Required tracked item open | | If NO, then | Is JSRRC appropriate? | |
| **Note:** If the records documenting the Veteran’s military service are classified, the RRT will follow the procedures outlined in M21-1, IV.ii.1.I.4, “Developing Claims Based on Participation in Special Operations Incidents,” to request Special Operations Records research. | If herbicide exposure can be conceded, favorable determinations must be accompanied by a **single** signature from an assigned member of the Records Research Team on VA Form 21-0961, Rating Decision/Administrative Decision/Formal Finding/Statement of the Case (SOC)/Supplemental Statement of the Case (SSOC) (Electronic Signature)  For legacy appeals, update the relevant VACOLS diary to reflect Eligible Offshore Service Confirmed by Records Research Team and set the diary to expire in 2 days. AMO members of the Records Research Team will notify the designated appeals personnel upon completion of this step.  Is a Joint Services Records Research Center (JSRRC) or is a Special Operations Records request needed?   |  |  | | --- | --- | | YES, then | Submit JSRRC or special operations record research request, then:   * Input a Custom Tracked Item - “Confirm AO, to JSRRC" utilizing standardized language * Set 30-day suspense   \*\* ***For legacy appeals, also update the relevant VACOLS diary to reflect “Confirm AO, to JSRRC” and set a 30-day suspense.*** | | If NO, then | If a JSRRC or special operations records request is not needed, complete and upload VBA-approved Exposure Verification Memo to the Veteran’s VBMS eFolder using the following subject line: **Eligible Offshore Service Not Confirmed.** Then:  . Then:   * Remove *Special 12-mile Review* special issue * Close out associated tracked items and leave Secondary Action Required tracked item open. |   **Once JSRRC or Special Operations Records Request response is received, determine whether herbicide exposure can be conceded based on the new information.**  **If herbicide exposure CANNOT be conceded**, unfavorable determinations must be concurred upon by an additional member of the Records Research Team. This is an out of system workload distribution that will be manually assigned within the Records Research Team. **Document all second signature reviews** by completing VA Form 21-0961, Rating Decision/Administrative Decision/Formal Finding/Statement of the Case (SOC)/Supplemental Statement of the Case (SSOC) (Electronic Signatures) |

Response from JRSSC, what action is next?

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| Concede Exposure | Upload JSRRC response to the Veteran’s VBMS eFolder with the following subject line: **JSRRC Response – Eligible Offshore Service Confirmed.** Then:   * Upload Exposure Verification Memo using the following subject line: **Eligible Offshore Service Confirmed** * Remove Special 12-mile Review special issue * Close out all associated tracked items and leave Secondary Action Required tracked item open   For legacy appeals, update the relevant VACOLS diary to reflect Eligible Offshore Service Confirmed by Records Research Team and set the diary to expire in 2 days. AMO members of the Records Research Team will notify the designated appeals personnel upon completion of this step. |
| ***CANNOT***  Concede  Exposure | Upload JSRRC response to the Veteran’s VBMS eFolder with the following subject line: **JSRRC Response – Eligible Offshore Service Not Confirmed.** Then:   * Upload Exposure Verification Memo using the following subject line: **Eligible Offshore Service Not Confirmed** * Remove Special 12-mile Review special issue * Close out all associated tracked items and leave Secondary Action Required tracked item open |

**Note.** If herbicide exposure **CAN** be conceded, favorable determinations must be accompanied by a **single** signature from an assigned member of the Records Research Team on VA Form 21-0961, Rating Decision/Administrative Decision/Formal Finding/Statement of the Case (SOC)/Supplemental Statement of the Case (SSOC) (Electronic Signatures).

If herbicide exposure **CANNOT** be conceded, unfavorable determinations must be concurred upon by an additional member of the Records Research Team. This is an out of system workload distribution that will be manually assigned within the Records Research Team. Document all second signature reviews by completing VA Form 21-0961, Rating Decision/Administrative Decision/Formal Finding/Statement of the Case (SOC)/Supplemental Statement of the Case (SSOC) (Electronic Signatures).