Development Based on Gulf War Veterans with Southwest Asia Service

Instructor Lesson Plan

Time Required: 1.5 Hour

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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 # | 4560607 |
| Prerequisites | Prior to this lesson, the student should have completed Challenge Training. |
| target audience | The target audience for Development Based on Gulf War Veterans with Southwest Asia (SWA) Service is Veteran Service Representative (VSR) Entry, Intermediate, Journey Level.Although this lesson is targeted to teach the VSR, Entry, Intermediate and Journey Level employees, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 1.5 hour |
| Materials/TRAINING AIDS | Lesson materials:* Development Based on Gulf War Veterans with SWA Service PowerPoint Presentation
* Development Based on Gulf War Veterans with SWA Service Trainee Handout
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| 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 Development Based on Gulf War Veterans with Swa Service |
| INSTRUCTOR INTRODUCTIONSlide 3 | Complete the following:* Introduce yourself
* Orient learners to the facilities
* Ensure that all learners have the required handouts
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| time required | 0.25 hour |
| Purpose of LessonSlide 4 | This lesson is intended to introduce and reinforce knowledge of the claims procedures surrounding development for gulf war Veterans with SWA service. This lesson will contain discussions and exercises that will allow you to gain a better understanding of: * initial development for Gulf War Veterans
* 5103 notification requirements
* when an examination is needed
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| MotivationSlide 5 | The proper identification and development of SWA service claims will enable VSRs to process these claims more efficiently. This will ensure the proper examination with appropriate language is applied to these type of claims. The proper development to include examination if required will lead to a more streamlined processing of SWA claims and reduce benefit entitlement errors. |
| Lesson ObjectivesSlide 6 Handout 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: * Determine if the Veteran meets Southwest Asia service eligibility as a Gulf War Veteran
* Determine if 5103 notification for Gulf War Veterans is required
* Determine if a VA examination for Gulf War claim is warranted or needed
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| Explain the following: | Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed.  |
| END OF COURSE ASSESSMENT | **Important:** Inform the students there will be an end of course assessment. The students will be required to achieve a passing score of 80% or greater in order to receive credit for the training. The trainee may use any available resource to complete the assessment. This includes but not limited to lesson handout, internet/intranet web sites, job aides, PowerPoint and any applicable reference materials. |
| ReferencesSlide 7Handout 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/)* [38 CFR §3.2 Periods of War](https://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_12)
* [38 CFR §3.159, Department of Veterans Affairs assistance in developing claims](https://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1159)
* [38 CFR §3.317, Compensation for certain disabilities occurring in Persian Gulf Veterans](https://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58#se38.1.3_1317)
* [M21-1, Part IV, Subpart ii, Chapter 1, Section E – Developing Claims Based on Service in SWA](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014938/M21-1-Part-IV-Subpart-ii-Chapter-1-Section-E-Developing-Claims-Based-on-Service-in-Southwest-Asia-Under-38-CFR-3317)
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| Topic 1: Verification of Southwest Asia Service |
| IntroductionSlide 8 | This topic will allow review processes for the VSR to identify Veteran SWA. |
| Time Required | 0.25 hour |
| OBJECTIVES/Teaching Points | Topic objectives: Determine if the Veteran meets Southwest Asia service eligibility as a Gulf War VeteranUpon completion of this topic given all available resources to include the live manual, the VSR will be able to:* identify qualifying SWA service
* recognize the steps for qualification
* recognize 5103 requirements

The following topic teaching points support the topic objectives: * VSRs have the primary responsibility for identifying SWA Service.
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| Verification of Service in Southwest AsiaSlide 9-11Handout 4-5 | To verify service, take a look at the Remarks section of DD Form 214. The Remarks section should include the location of foreign service, and the dates of that service.When reviewing a Veteran's [DD214](https://tpss.vba.va.gov/ConsistStudies/runtime/470200000060.html), take a look at the REMARKS block and the field which identifies [decorations](https://tpss.vba.va.gov/ConsistStudies/runtime/470200000060.html), medals, badges, citations and campaign ribbons awarded to the Veteran.**Discuss**: The DD214 is the quickest way to verify SWA service, however, if no information is shown on the DD214 or remarks section, the VSR should also review the personnel records. |
| Requesting Service Department Records in SWA claimSlide 11Handout 5 | In addition to service treatment records (STRs), request* clinical records, if the Veteran furnishes information on the application about specific inpatient treatment, and
* service personnel records, if the dates of service in Southwest Asia during the Gulf War period that began on August 2, 1990, are not already of record.

***Note***:  Concurrently request clinical records, service personnel records, and STRs, if all are needed. |
| Requesting Medical Evidence in Claims under 38 CFR 3.317Slide 12Handout 5 | Request reports of all private and Department of Veterans Affairs (VA) medical treatment that is indicated by the Veteran, both during and after service, including records such as* statements or reports from
* doctors, hospitals, laboratories, medical facilities, and mental health clinics
* x-rays, and physical therapy records

***Note***:  If the Veteran indicates that a Gulf War Registry Health examination has been conducted, request the examination report from the appropriate medical facility. |
| Exposure to Environmental Hazards but claims no DisabilitySlide 13Handout 5 | A claim is not substantially complete if a Veteran alleges exposure to environmental hazards during service but does not claim service connection for a specific disability. **Discuss:** In cases such as these, follow the procedures for handling an incomplete application.***Important:***  When a Veteran with Southwest Asia service files a claim for a sign or symptom of undiagnosed illness or medically unexplained chronic multi-symptom illness (MUCMI), it must be processed as a substantially complete claim.May provide references for undiagnosed illness conditions and MUCMIs: 38 CFR 3.317(b) and M21-1, Part IV, Subpart ii.2.D.1.n |
| 5103 notifications requirementsSlide 14Handout 6 | **Discuss**: Prior to June 26, 2016 special issue claims such as gulf war, required additional 5103 information, such as gulf war undiagnosed illness attachments and/or gulf war special issue paragraphs.M21-1, IV.ii.1.E.1.b, updated June 26, 2016. No additional 5103 information is required; the standard 5103 notification under the disability service connection table on VA Form 526EZ is sufficient.**Discuss:** This means we are no longer required to send an additional 5103 notification letter for gulf war Veterans.***Note:*** If the Veteran alleges Joint(s) and or muscle(s) pain without specifying which joint(s)/(muscle(s) are affected* make an attempt to contact the Veteran by the telephone
* if telephone contact is unsuccessful, proceed with all development, including requesting an examination, if applicable.
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| **Knowledge Check**Slide 15If students indicate a lack of understanding take time to provide a review of those topics | Ask trainees the below:True or False? “Southwest Asia Service may be verified by reviewing the remarks section of the DD Form 214”?**Answer*:*** *True*True or False? “If the Veteran alleges joints/muscles pain without specifying which are affected, we do not need to attempt telephone contact to retrieve this information”?**Answer:** *False*True or False? “We are no longer required to send an additional 5103 notification letter for gulf war Veterans”?**Answer:** *True*  |

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| Topic 2: Overview of Southwest Asia Exams |
| IntroductionSlide 16 | This topic will allow the trainee to identify SWA Exams. |
| Time Required | 0.25 hours |
| OBJECTIVES/Teaching Points | Topic objectives:* identify when an examination is necessary in Southwest Asia claims
* determine when to request a Gulf War general medical examination in Southwest Asia claims

The following topic teaching points support the topic objectives: * gulf war registry examination
* gulf war general medical examination
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| Overview of SWA ExaminationsSlide 17Handout 7 | The Gulf War Registry Examination is part of the Veteran's Health Administration Persian Gulf Registry. We need to make sure these results have been obtained and considered with Gulf War claims. This registry exam can be used to establish the chronicity requirement under [**38 CFR 3.317**](https://tpss.vba.va.gov/ConsistStudies/runtime/470200000080.html). These evaluations are offered at VA Medical Centers, which use the registry data to help VA understand and respond to these health problems more effectively. Veterans who served in the Gulf during Operation Desert Shield, Operation Desert Storm, Operation Iraqi Freedom, or Operation New Dawn are eligible for the Gulf War Registry exam. |
| When an Examination Is Necessary in SWA ClaimsSlide 18Handout 7 | Request a Gulf War general medical examination when the threshold for an examination is met.* competent lay or medical evidence of a disease (or signs or symptoms of a disease) listed in [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8) manifesting within the period specified in [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8), namely
	+ no later than December 31, 2021, for disability due to undiagnosed illness and MUCMIs, *or*
	+ as provided in [38 CFR 3.317(c)(3)(i)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317) for infectious diseases, ***and***
* service required by [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8), which is either
	+ qualifying service in the Southwest Asia theater of operations as defined in [38 CFR 3.317(e)(2)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317), *or*
* qualifying service in Afghanistan (for the purpose of a claim under [38 CFR 3.317(c)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317) only).
* Although the General Medical Examination is the preferred type of evaluation in cases concerning original compensation claims and contains the full report of complaints and functional impairments, it should not be used in lieu of a Gulf War Medical Examination for Gulf War claims.Based on the non-specific etiology of disability patterns, special considerations must be given to Southwest Asia Claims, therefore Gulf War General Medical Examination was created. The Gulf War General Medical Exam follows the same pattern as a regular Gen Med exam, but looks for undiagnosed illnesses, MUCMI conditions, or any other symptoms related to those. The doctor is an examiner specifically trained for Gulf War illnesses and Gulf War exposures. If any disability is found that fits the criteria under 3.317 such as Chronic Fatigue Syndrome, then the General Medical examiner should also conduct the specialty examination.

Discuss: Examples of when to order an examination:Facts:  A Veteran with Southwest Asia service claims SC for “upper respiratory problems” and “sleep disturbance.”  A review of the medical evidence reveals various diagnoses over the last three years, to include asthma, sleep apnea, and seasonal allergies.  The Veteran indicates he has trouble sleeping, and experiences wheezing and shortness of breath when exerting himself.  He has received inhalers and other medications for his symptoms.  It is not clear if comprehensive clinical testing has been performed to support the diagnoses.Result:  Although there is a potential that the Veteran’s claimed symptoms are attributable to a known diagnosis, a VA examination is warranted.  The different diagnoses of record raise questions about what condition is specifically producing the symptoms, and the evidence is not clear as to whether the appropriate testing was conducted to support the diagnoses.*Important:* The Veteran does not have to identify a claimed disability as due to Gulf War service. VA *must* broadly consider applicable legal avenues that may be available based on facts – even if not specifically pleaded by the claimant.*Note:* The threshold for requiring an examination is *low.* It is lower than the standard to prove entitlement to SC under 38 CFR 3.317 because the purpose is only to determine whether VA has a duty to assist in substantiating the claim. |
| Knowledge CheckSlide 19If students indicate a lack of understanding take time to provide a review of those topics | True or False? “The Gulf War Registry Examination is not part of the Veteran's Health Administration Persian Gulf Registry”**Answer:** FalseCompetent lay or medical evidence of a disease is listed under which CFR?\_\_\_\_\_\_\_\_\_\_\_\_\_**Answer:** 38 CFR 3.317True or False? “The General Medical Examination should not be used in lieu of a Gulf War Medical Examination for Gulf War claims.**Answer:** True |

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| Topic 3: Requesting Southwest Asia Examinations |
| IntroductionSlide 20 | This topic will allow the VSR to identify SWA Exams. |
| Time Required | 0.25 hours |
| OBJECTIVES/Teaching Points | Topic objectives:* identify a gulf war general medical exam
* recognizing required language for gulf war exams

The following topic teaching points support the topic objectives: * evidence required for gulf war examination
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| Ordering a Gulf War General Medical Exam*Slide 22-24**Handout 8* | **Discuss:** When an examination is necessary for a Gulf War Veteran with SWA service, please review M21-1.IV.ii.1.E.2. The request will be: * A Gulf War General Medical Exam DBQ and,
* Any required specialist DBQs.

When ordering a Gulf War General Medical Exam, be sure to make the electronic claims folder accessible to the examiner to review. |
| Required Language in Examination for SWA Claims*Slide 25*Handout 9 | ROs must ensure that all examiners in Southwest Asia claims have access to the proper terminology and opinion language specific to these types of claims.  |
| Clinical Diagnosis for SWA Claim*Slide 26**Handout 9* | When a Veteran has sought treatment for claimed chronic signs and symptoms listed in 3.317, it is likely that the medical provider has rendered a diagnosis for those symptoms. **Discuss:** However, the existence of a clinical diagnosis with specific etiology does not preclude the ordering of an examination ***unless*** all symptoms claimed by the Veteran are clearly attributable to the diagnosis.In such cases when an examination is warranted, the VA examiner’s workup must include an assessment of whether signs and symptoms represent a disease with a clear and specific etiology or whether they fall into a different disability pattern. |
| No Potential Entitlement under 38 CFR 3.317*Slide 27**Handout 9-10* | Do not order a Gulf War General Medical Exam when there is no potential entitlement under 38 CFR 3.317.**Example:** A Gulf War Veteran with service in SWA files a claim on VA Form 21-526EZ. The Veteran was HON discharged from service in May 2004. The Veteran is claiming SC for neurological symptoms to include numbness and tingling of his legs as due to the Gulf War. However, there is a diagnosis of multiple sclerosis in the treatment records dated December 2009.Since the evidence shows the neurological symptoms are related to MS, there is no need for a GW General Medical Exam. Entitlement to service connection may be in order, but under a different regulation such as 38 CFR 3.307 and 38 CFR 3.309 for presumptive service connection. |
| Evidence under 38 CFR 3.317 Received*Slide 28**Handout 10* | Do not order a Gulf War General Medical Exam, if all evidence is in the file to show a grant of SC is warranted.**Example:** A Gulf War Veteran with service in SWA files a claim on VA Form 21-526EZ. The Veteran is claiming SC for Chronic Fatigue Syndrome. Along with the application, the Veteran submitted an appropriate DBQ completed by his/her private doctor showing a diagnosis of CFS.In this case, all the evidence is in the file to show the claim is ready for a decision to grant service connection with no additional delays or requests for unnecessary requests for records. The claim should be sent directly to an RVSR for a decision. |
| SC Established Under Another Regulation*Slide 29**Handout 10* | Do not order a Gulf War General Medical exam if all the evidence in the file shows a post service reason for the disability.**Example:** A Gulf War Veteran with service in SWA files a claim for service connection for leg pain. The claim was submitted on VA Form 21-526EZ. Review of the STRs were negative for any evidence of an injury or other reason for the condition. Post service treatment records shows treatment for leg pain secondary to an injury to the leg that happened after service. In this case, there is a reason for the disability other than service.Since you have the DBQ with the diagnosis of one of the MUCMI conditions listed in 38 CFR 3.317(a)(2)(i)(B)(1) to (3), no exam is needed. The Veteran's claim has all evidence required; therefore, it can go straight to an RVSR for a decision. See M21-1, IV.ii.1.E.2.d. |
| Knowledge CheckSlide 30If students indicate a lack of understanding take time to provide a review of those topics | When requesting a Gulf War General Medical examination what must be accessible to the examiner?**Answer:** Electronic claim folderWho must ensure that all examiners in Southwest Asia claims have access to the proper terminology and opinion language?**Answer:** regional office personnel/VSRs processing the examination requestTrue or False. Always request a Gulf War Medical Examination for any condition that may be related to SWA service.**Answer:** False |

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| Practical Exercise |
| Time Required | 0.25 hours |
| EXERCISEHandout 12 | Review the practical exercise and have trainees engage in discussion.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 Development Based on Gulf War Veteran with Southwest Asia Service lesson is complete. Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | 0.25 hours  |
| Lesson Objectives | You have completed the Development Based on Gulf War Veteran with Southwest Asia Service lesson. The trainee should be able to: * Determine if the Veteran meets Southwest Asia service eligibility as a Gulf War Veteran
* Determine if 5103 notification for Gulf War Veterans is required
* Determine if a VA examination for Gulf War claim is warranted or needed
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| Assessment | Remind the students 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. |