Claims Based on Service in Southwest Asia  
(Post Challenge VSR & RVSR)

Trainee Handout

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Objectives

Demonstrate a comprehensive understanding of developing claims for disabilities based on the provisions of 38 CFR §3.317, to include:

* undiagnosed illness,
* medically unexplained chronic multi-symptom illness (MUCMI), and
* presumptive infectious diseases

References

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

* [38 CFR 3.317, Compensation for certain disabilities occurring in Persian Gulf veterans](http://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58)
* [M21-1, Part IV, Subpart ii.1.E, Claims Based on Service in Southwest Asia](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/)
* [M21-1, Part IV, Subpart ii.2.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/)

Practical Exercise

*A review is a tool used to judge the level of knowledge the group has acquired as a result of the training. It is not used for an individual evaluation.*

Please read the following scenarios and answer the questions that follow:

On June 15, 2017, we receive a completed VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits, and a certified DD Form 214. The DD Form 214 reveals that the Veteran served in Iraq with the U.S. Marine Corps from October 29, 1990 through April 24, 1991. The Veteran received the Southwest Asia Service Medal. On his application he lists headaches, sleep disturbance, and diarrhea.

1. Is there evidence of service in the Southwest Asia theater of operations? **Y/N**
   1. ***If yes***, what did you base this on?
   2. ***If no***, what is the appopriate development action to take?
2. Is a 5103 Notice needed? **Y/N**
3. Is a Gulf War General Medical Examination warranted? **Y/N**
4. What, if any additional action(s) would you take?

On June 1, 2017, we receive a completed VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits, and a certified DD Form 214. The DD Form 214 reveals that the Veteran was awarded a Global War on Terrorism Service Medal and the Afghanistan Campaign Medal. On her application, she claims visceral leishmaniasis and provided post-service treatment records showing diagnosis and treatment.

1. Is there evidence of service in the Southwest Asia theater of operations? Y/N
   1. If yes, what did you base this on?
   2. If no, what is the appopriate development action to take?
2. Is a 5103 Notice needed? Y/N
3. Is a Gulf War General Medical Examination warranted? Y/N
4. What, if any additional action(s) would you take?

On June 29, 2017, we receive a completed VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits, and a certified DD Form 214. The DD Form 214 shows that the Veteran served in a Hazardous Pay area in Iraq. On his application he claims service connection for Gulf War Hazards.

1. Is there evidence of service in the Southwest Asia theater of operations? Y/N
   1. If yes, what did you base this on?
   2. If no, what is the appopriate development action to take?
2. Is a 5103 Notice needed? Y/N
3. Is a Gulf War General Medical Examination warranted? Y/N
4. What, if any additional action(s) would you take?

On May 30, 2017, we receive a completed VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits, and a certified DD Form 214. The DD Form 214 reveals that the Veteran received the Kuwait Liberation Medal. On his application he lists pain in both knees and ankles. In addition he submits a VA Form 21-4138, Statement In Support of Claim, that his knees and ankles have hurt ever since he completed multiple jumps to obtain his parachutist badge. He reports that he sought treatment while in Kuwait, because they were hurting more than usual from him jumping off of humvees.

1. Is there evidence of service in the Southwest Asia theater of operations? Y/N
   1. If yes, what did you base this on?
   2. If no, what is the appopriate development action to take?
2. Is a 5103 Notice needed? Y/N
3. Is a Gulf War General Medical Examination warranted? Y/N
4. What, if any additional action(s) would you take?

Attachment A: When to Order a Gulf War General Medical Exam

|  |  |  |
| --- | --- | --- |
| **If the Veteran served in any of the following locations (or the airspace above them)** | **And is claiming any of the following** | **Then….** |
| Iraq  Kuwait  Saudi Arabia  the neutral zone between Iraq and Saudi Arabia  United Arab Emirates  Bahrain  Qatar  Oman  the Gulf of Aden  the Gulf of Oman  the Persian Gulf  the Arabian Sea  the Red Sea | chronic fatigue syndrome  fibromyalgia  irritable bowel syndrome  joint pain (not a specific joint injury)  muscle pain (not a specific muscle injury)  neurological signs or symptoms  headache  neuropsychological signs or symptoms  fatigue  sleep disturbances  respiratory signs and symptoms  cardiovascular signs or symptoms  skin signs and symptoms  menstrual disorders  gastrointestinal signs or symptoms  abnormal weight loss  abdominal pain  substernal burning or pain  nausea  vomiting  altered bowel habits (including diarrhea, constipation)  indigestion  bloating  postprandial fullness  painful or difficult swallowing  dyspepsia  constipation  dysphagia | Order a Gulf War General Medical Examination!!!\*    ***UNLESS***: there is evidence of record of a diagnosis of chronic fatigue syndrome, fibromyalgia, irritable bowel syndrome, functional dyspepsia, functional vomiting, functional constipation, functional bloating, functional abdominal pain syndrome, or functional dysphagia.  ***THEN*:** Order the appropriate DBQ based on the specific condition/body system effected.  ***OR*:** If the Veteran has a joint/muscle injury potentially due to a specific injury or event in service.  ***THEN*:** Order the appropriate DBQ based on the specific condition/body system affected, and medical opinion, if necessary. |

\* ***Exception***: Do not request a Gulf War general medical examination if one has been completed in response to a pending claim or a decision that has not yet become final. In these cases, only order the specialty DBQ specific to the claimed condition.