(VSR Challenge) Obtaining National Guard   
and Reserve Service Treatment Records

Trainee Handout

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Objectives

After this training, the trainee will be able to:

* Understand the different types of military service that are eligible for service-connection
* Understand the variables that affect development for service treatment records (STRs) for members of the National Guard and Reserve
* Develop for (STRs) for members of the National Guard and Reserve

References

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

* CFR 3.1(d) – Definition of a Veteran
* CFR 3.6 – Duty Periods
* M21-1, Part III, Subpart iii, Chapter 2, Section B, 2 – Migration of STRs
* M21-1, Part III, Subpart iii, Chapter 2, Section B, 3 – Procedures for Obtaining STRs

Topic 1: Types of Separations Related to National Guard and Reserve Service

DEFINITIONS

A Veteran means any person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.

Active military, naval, and air service includes active duty, any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in the line of duty, and any period of inactive duty training during which the individual concerned was disabled or died from an injury incurred or aggravated in line of duty or from acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident which occurred during such training.

Veterans that served during a period of active duty are eligible for service-connection for injuries or diseases that occurred in or were aggravated during service. Active Duty service is:

* full-time duty in the Armed Forces
* full-time duty as a commissioned officer of the Public Health Service (PHS)
* full-time duty as a commissioned officer of the Coast and Geodetic Survey, the Environmental Science Services Administration, and the National Oceanic and Atmospheric Administration
* service as a cadet or midshipman at a service academy
* attendance at the preparatory schools of the service academies for enlisted active-duty members
* authorized travel to and from such duty

Veterans that served during a period of active duty for training are eligible for service-connection for injuries or diseases that were incurred or aggravated in the line-of-duty. Active Duty for Training (ADT) is:

* full-time duty in the Armed Forces performed by Reserves for training
* full-time duty as a commissioned officer of the Reserve Corps of PHS for training
* full-time duty performed by members of the National Guard under 32 U.S.C.
* duty performed by a member of the Senior Reserve Officers’ Training Corps (ROTC) program
* attendance at the preparatory schools of the service academies for all other individuals
* authorized travel to and from such duty

Veterans that served during a period of inactive duty for training are eligible for service-connection for injuries that were incurred in the line-of-duty.\*\* Inactive Duty for Training (IDT) is:

* duty (other than full-time) prescribed for Reserves (includes officers of the PHS)
* special additional duties authorized for Reserves (includes officers of the PHS)
* training (other than ADT) by a member of the Senior ROTC
* duty performed by a member of the Senior Reserve Officers’ Training Corps (ROTC) program
* duty (other than full-time) performed by a member of the National Guard under 32 U.S.C.
* authorized travel to and from such duty

**\*\*The Veteran is also eligible if an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurs during a period of inactive duty or training.\*\***

Variables Affecting Development

There are a number of variables that can affect development for service treatment records (STRs) for all claimants, not just for members of the Reserves or National Guard. When reviewing the claim, ask yourself the following questions.

**Does the Veteran have a current service obligation?**

If the Veteran has a service obligation or is currently serving with the Reserves or National Guard, this greatly affects who might have the STRs.

The table located at M21-1 III.iii.2.B.1.b explains how claims processors can identify whether a Veteran has a service obligation and, if so, the type of service currently being performed.

|  |  |
| --- | --- |
| **If …** | **then the Veteran …** |
| the type of separation shown on the Veteran’s DD Form 214 is Release from Active Duty, | left active duty with an obligation for further service in the Reserve components. |
| the type of separation shown on the Veteran’s DD Form 214 is Discharge, | left active duty with no further service obligation. |
| the code in the RESERVE COMPONENT CATEGORY (RCC) field in VIS (under the heading National Guard and Reserve Service Period) is SA, | is currently an active member of the Reserve or National Guard. |
| the code in the RCC field in VIS is RE, | is currently in the Inactive Ready Reserve (IRR) or Inactive National Guard. |

If a Veteran had a service obligation, the DD Form 214 will show the termination date of the obligation. We will discuss how to develop for STRs for a Veteran with a service obligation.

**Is the Veteran still on active duty or currently serving with the Reserves or National Guard? If not, when were they completely discharged from service?**

If the Veteran is currently serving on active duty or with the Reserves or National Guard, this greatly affects who might have the STRs. If the Veteran is still on active duty, develop for STRs using HAIMs. Just be aware that these records are generally not available until 45 days from the Veteran discharge from active duty and your tracked item should reflect this.

If the Veteran is currently serving with the Reserves or National Guard, the development process is different than that of a Veteran who served on active duty. We will discuss this development process during this training course.

The Veteran’s discharge date also greatly affects the STR development process. Depending on the Veteran’s discharge date, the records holder may be NPRC, RMC\*, or HAIMS. Refer to slides 13-17 for a refresher.

***\*STRs were previously held at RMC. These STRs are currently in the process of being scanned and uploaded to VBMS. For more information see SMRTs see M21-1 III.ii.1.F.5.a and III.iii.2.A.4.a\****

**With which branch did the Veteran serve?**

Same as with the discharge date, the Veteran’s branch of service can affect STR development. Refer to slides 13-17 for a refresher.

**When did the Veteran state that the claimed conditions occurred?**

Often the Veteran has multiple types and periods of service, but only claims conditions that occurred during one. The records for other periods of service may not be relevant to the claim.

Example: The Veteran is claiming PTSD caused by stressors that occurred during his deployment to Iraq with the Army. The DD Form 214 shows receipt of a Purple Heart. The Veteran is currently serving with the Army Reserves. He also mentioned that he never sought treatment for his mental condition and has been self-medicating for some years.

In this scenario, the subsequent Army Reserve STRs are not relevant to the claim. A VSR should not delay the claim for development of these records.

**STR Development Process**

If no service obligation exists, the VSR should develop to the appropriate records custodian as mentioned on slides 13-17.

If the Veteran’s service obligation **HAS EXPIRED** and:

* if it occurred before January 1, 2014 (all other branches) or September 1, 2014 (Coast Guard), develop based on when the service obligation expired (again slides 13-17)
* if it occurred after those dates, confirm that a request for STRS was made using HAIMS\*\*

***\*\*If the Veteran does not have appropriate active duty service for a HAIMS request, the VSR should enter appropriate service dates into Participant Profile based on their Reserve or National Guard service. Once STRs have been requested through HAIMS, the VSR must delete this period of service from SHARE. The VSR should not wait until the STRs are received to delete this period of service.\*\****

If the HAIMS request has been pending for over 45 days, the VSR should send a follow-up request to **VAVBASTL/RMC/NGRESERVES**. The email should have the subject ***45-day follow-up HAIMS STRs***. The email should include the Veteran’s full name, social security number, branch of service, requestor’s name, and requestor’s contact information (phone number and email address). After sending the email, create a custom tracked item with a 30-day suspense and upload a copy of the email to VBMS.

If your development actions have been unsuccessful, review Joint Legacy Viewer (JLV) for any relevant medical records. We will discuss and demo JLV during residency.

If records still cannot be located, the VSR should submit one of the following PIES request codes to address code 07:

* Reserve member - RV1
* National Guard member – NG1

**STR Certification**

On January 1, 2013, individual service departments began issuing their own version of a letter that certified the completeness of a service member’s STRs. Prior to this date, no requirement for certification existed. On June 25, 2013, DoD replaced the letters with DD Form 2963, Service Treatment Record (STR) Certification. By August 1, 2013, all service departments were using the new form.

If a certification letter/DD Form 2963 accompanies STRs obtained from a service department by an RO, the RO should not undertake additional development to obtain STRs unless all of the following criteria are met:

* the claimant alleges treatment at a specific military treatment facility (MTF) during a specific period of time, and
* records referring to the treatment
* do not exist in the available STRs, and
* are not accessible through the Joint Legacy Viewer (JLV).

The table below describes the procedures for processing STRs that do not include a signed

* letter of certification (if the STRs belong to a Veteran who separated from service between January 1, and July 31, 2013) or
* DD Form 2963 (if the STRs belong to a Veteran who separated from service on or after August 1, 2013).

|  |  |
| --- | --- |
| **Stage** | **Description** |
| 1 | The claims processor reviews the claims folder for the purpose of confirming   * the Veteran separated from service on or after January 1, 2013, and * the certification letter/*DD Form 2963* is missing or unsigned. |
| 2 | If the claims processor determines the STRs should have included a signed certification letter/*DD Form 2963* but did not, he/she must send an encrypted e-mail to request certification to the [VAVBASTL/RMC/STRCERT](mailto:STRCERT.VBARMC@va.gov) mailbox.  The e-mail must include   * the Veteran’s   + name   + Social Security number (SSN)   + branch of service   + dates of service, and * the claims processor’s   + phone number   + fax number, and   + e-mail address. |
| 3 | VA’s Records Management Center (RMC) responds to the e-mail by forwarding the claims processor's request to a point of contact within the Veteran’s service department. |
| 4 | The Veteran’s service department provides a certification letter/ DD Form 2963 to RMC. |
| 5 | RMC forwards the certification letter/DD Form 2963 to the claims processor.  ***If RMC does not respond to the claims processor’s request within 15 days, the claims processor sends a follow-up e-mail to VAVBASTL/RMC/STRCERT.*** |
| 6 | The claims processor   * attaches the certification letter/DD Form 2963 to the STRs, or * uploads it into the electronic claims folder (eFolder) (if VA is processing the associated claim in a paperless environment). |

***Pre-Discharge Claims: Do not delay the processing of claims that service members submit prior to separation based on the absence of a certification letter/DD Form 2963. VA does not require service departments to certify the completeness of STRs VA uses to decide this category of claims.***

Alternative Sources

Sometimes, the STRs never made it to the appropriate records holder. This is often due to delays or mistakes in the transfer process. If the VSR is unable to find the STRs at the appropriate records holder, they should attempt to obtain the records from alternative sources.

Service records might:

* never have left the separation center or treating facility,
* be in the Veteran's possession, or
* still be with the National Guard or Reserve unit.

Claims processors should not routinely request records from separations centers. However, if the records holder indicates that they never received the STRs from separation center, the VSR should route the claim to the Military Records Specialist (MRS) and ask that they request them.

Most records located at military treatment facilities (MTFs) should be available using JLV, however, some records are only available through a direct request to the facility. When requesting records directly from the military treatment facility, your first step should be to contact the facility’s Release of Information (ROI) office and ask how they prefer to receive the records request (mail or fax). Then send your request to the provided address or fax number.

If you are going to ask the Veteran if they have the STRs in their possession, you should generally only do this by phone. Requesting this information through a development letter is not appropriate when the Veteran has filed his claim using a VA Form 21-526EZ, as the Veteran has already been notified to submit their STRs. The Veteran will also receive further information if we send a Final Notification Letter.

Although it is rare that the unit still has possession of the Veteran’s physical STRs, the previously mentioned NG1 or RV1 PIES request will cover these records. However, we cannot control whether the unit responds to the NG1 or RV1 request. If the Veteran believes that their unit has possession of their STRs, inform the Veteran that we have already attempted development to their unit, but they can request the records themselves and send them to us.