

**CAMP LEJEUNE DEVELOPMENT (VSR)
TRAINEE HANDOUT**

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OBJECTIVES

- Recall the history of Camp Lejeune water contamination
- Identify the disabilities listed under 38 CFR 3.309(f) and 38 CFR 17.400
- Identify the service requirements under 38 CFR 3.307(a)(7)
- Identify Camp Lejeune issues and service
- Recall ways to obtain and annotate service documents
- Identify notification requirements and tracked items
- Apply the necessary contention special issues
- Recall ROJ development responsibilities
- Process exposure claims for Veteran's dependents, including birth defects

REFERENCES

- [38 CFR 3.307, Presumptive service connection](#)
- [38 CFR 3.309, Disease subject to presumptive service connection](#)
- [38 CFR 17.400 - Hospital care and medical services for Camp Lejeune veterans](#)
- [M21-1 Part IV, Subpart ii, I.7, Developing Claims Based on Exposure to Contaminants in the Water Supply at Camp Lejeune](#)
- [M21-1 IV.ii.2.C.6.b, Service at Camp Lejeune](#)
- [M21-1 Part III, Subpart ii, 7.2, Denying a Claim Without a Rating Decision](#)
- [M21-1 Part IV, Subpart ii, 2.C.6, Disabilities resulting from exposure to contaminants in the water supply at Camp Lejeune](#)

TOPIC 1: BACKGROUND AND REGULATIONS

History of Exposure and Federal Regulation Changes

Water sources at Marine Corps Base Camp Lejeune were found to be contaminated with industrial solvents that are correlated with certain health conditions from 1953 to 1987. Scientific authorities and health experts determined that the drinking water at Camp Lejeune was contaminated with a variety of volatile organic compounds from leaking storage tanks and determined that prolonged exposure to these chemicals increases the risk of certain health conditions.

In January 2017, VA published a rule to create service connection for eight disabilities associated with these contaminants in the base water supply at Camp Lejeune.

Effective March 14, 2017, amendments to 38 CFR 3.307(a)(7) and 38 CFR 3.309(f) were made to include these eight presumptive diseases and outlines the service requirements at Camp Lejeune.

Camp Lejeune Service

Presumptive service requirements: per 38 CFR 3.307(a)(7), active duty, Reserve, and National Guard personnel with military orders or other official service department records showing no less than 30 days (consecutive or nonconsecutive) service at Camp Lejeune between August 1, 1953 and December 31, 1987.

Locations: Service at Camp Lejeune also includes the Marine Corps Air Station New River. The following areas are also considered within the borders of Camp Lejeune and should be considered on a review of official service department records.

| <i>M21-1 IV.ii.2.C.6.b – Service at Camp Lejeune</i> | |
|--|-------------------------------------|
| USMC Camp Lejeune | USMC Air Station New River |
| Camp Geiger | Camp Johnson |
| Naval Hospital Lejeune | Tarawa Terrace |
| Camp Knox | Montford Point |
| Stone Bay/Rifle Range | Holcomb Boulevard |
| Hadnot Point | *Does not include MCAS Cherry Point |

Camp Lejeune Issues

A *Camp Lejeune issue* for the purpose of processing under the procedures listed is a claim for compensation for either

- any disability specifically claimed as due to exposure to contaminants at Camp Lejeune, or
- one of the conditions listed at either [38 CFR 3.309\(f\)](#) or at [38 CFR 17.400](#), regardless of whether service at Camp Lejeune during the contamination period is
 - expressly claimed by the claimant, or
 - it is otherwise established by the evidence of record.

Important: since these issues do not have to be expressly claimed as due to Camp Lejeune, pay close attention to these issues and the possibility of Camp Lejeune service.

38 CFR 3.309(f) Presumptive Issues

| | |
|------------------------|---|
| Kidney cancer | Multiple myeloma |
| Liver cancer | Parkinson’s disease |
| Non-Hodgkin’s lymphoma | Aplastic anemia and other myelodysplastic syndromes |
| Adult leukemia | Bladder cancer |

Disabilities for healthcare reasons: while presumptive compensation will not be established on a presumptive basis, the following conditions should be identified to help make determinations for VA healthcare purposes or on a possible direct SC basis.

38 CFR 17.400 Hospital Care Conditions

| | |
|--------------------------------|---|
| Esophageal cancer | Renal toxicity |
| Lung cancer | Hepatic steatosis |
| Breast cancer | Female infertility |
| Neurobehavioral effects | Miscarriage |
| Kidney cancer* | Scleroderma |
| Bladder cancer* | Leukemia* |
| Multiple myeloma* | Myelodysplastic syndromes* |
| Non-Hodgkin’s lymphoma* | *Condition also listed in 38 CFR 3.309(f) |

TOPIC 2: CLAIMS PROCESSING

Jursidiction and Responsibilities of ROJ

Claims containing at least one Camp Lejeune issue will *not* be referred to Louisville when:

- the Veteran did not serve at Camp Lejeune between August 1, 1953, and December 31, 1987
- the claim is for a disability recognized under [38 CFR 3.309\(f\)](#) and
 - the Veteran had at least 30 days of service at Camp Lejeune during the contamination period,
 - or*
 - the evidence does not establish a diagnosis of the claimed condition
- no disability is specifically claimed as a result of exposure, such as claims stating “Camp Lejeune” or “exposure at Camp Lejeune”
- Veteran status needs to be established, such as through a character of discharge determination, or
- the only claim is for a disability of a dependent, including birth defects. VA has no statutory authority to compensate a Veteran’s dependents exposed to Camp Lejeune water contamination. Follow the procedures in M21-1, III, Subpart ii, 7.2.b to administratively decide these claims.

Important: If a claim is clarified and found to be for a specific disability, or if Veteran status is established, such as by administrative decision, then follow the procedures in M21-1, Part IV, Subpart ii, 1.I.7.e to ensure proper routing of the claim.

All ROs are responsible for processing the following:

- Resolve COD determinations
- Identify claims with CLCW issues
- Develop for service at Camp Lejeune during the contamination period
- Resolve CLCW dependency claims
- Resolve claims for exposure to CLCW with no disability
- Decide claims with no Camp Lejeune service
- Decide claims with 30+ days of CL service and a 38 CFR 3.309(f) issue
- Update system identifiers for proper centralized processing

Centralized Processing

After ROs ensure development and systems identifiers, claims will be routed for centralized processing for:

1. Claims with a diagnosed 38 CFR 3.309(f), but less than 30 days of CL service, or
2. Claims with a 38 CFR 17.400 issue and at least one day of CL service, or
3. Any disability specifically claimed due to CLCW with at least one day of CL service.

Note: these require reviews by a VHA SME through the Disability and Medical Assessment (DMA) process.

| If the claim is for ... | And evidence shows ... | And military records document during the contamination period ... | Then the claim is decided by the ... |
|---|-------------------------------------|---|--------------------------------------|
| a condition recognized under 38 CFR 3.309(f) | a diagnosis of a 3.309(f) condition | 30 days or more of service at Camp Lejeune | ROJ. |
| | | at least one, but less than 30 days of service at Camp Lejeune | Louisville RO. |
| | | no Camp Lejeune service. | ROJ. |
| | no diagnosis | n/a | ROJ. |
| a condition not recognized under 38 CFR 3.309(f) , but recognized for healthcare purposes under 38 CFR 17.400 | n/a | no Camp Lejeune service | ROJ. |
| | | at least one day of Camp Lejeune service | Louisville RO. |
| any other disability claimed specifically as due to exposure at Camp Lejeune | n/a | no Camp Lejeune service | ROJ. |
| | | at least one day of Camp Lejeune service | Louisville RO. |

Initial Actions to Take on Camp Lejeune Claims

The table below describes the initial actions to take upon receipt of a substantially complete claim containing at least one Camp Lejeune issue. Follow the guidance [M21-1, Part IV, Subpart ii, 1.I.7.e](#), which is shown below:

| Stage | Who Is Responsible | Description |
|-------|--------------------|--|
| 1 | ROJ | Receives the claim. |
| 2 | ROJ | <ul style="list-style-type: none"> • Establishes appropriate claim EP, and • assigns the <i>Environmental Hazard – Camp Lejeune</i> special issue indicator to the relevant contention(s). |
| 3 | ROJ | Resolves any character of discharge issues. <i>Note:</i> If service is dishonorable for VA purposes, proceed to |

| | | |
|---|-----|---|
| | | <p>Stage 7.</p> <p>Reference: For more information on character of discharge, see M21-1, Part III, Subpart v, 1.B.</p> |
| 4 | ROJ | <p>Follows the procedures in M21-1, Part IV, Subpart ii, 1.I.7.f to verify and document service at Camp Lejeune.</p> |
| 5 | ROJ | <p>Verifies a diagnosis for the claimed condition, including</p> <ul style="list-style-type: none"> • requesting identified medical records, and • sending a subsequent development letter as discussed in M21-1, Part IV, Subpart ii, 1.I.7.j when the claimed condition is not a recognized disability under 38 CFR 3.309. |
| 6 | | <p>Affixes the <i>Environmental Hazard – Camp Lejeune – Louisville</i> special issue indicator to the relevant contention(s) when the following conditions are met:</p> <ul style="list-style-type: none"> • the claim involves <ul style="list-style-type: none"> – diagnosis of a 38 CFR 3.309(f) condition, and – at least one, but less than 30 days of service at Camp Lejeune, <i>or</i> • the claim involves <ul style="list-style-type: none"> – a condition not recognized under 38 CFR 3.309(f), but listed under 38 CFR 17.400, and – at least one day of service at Camp Lejeune, <i>or</i> • the claim involves <ul style="list-style-type: none"> – any other disability as due to exposure at Camp Lejeune, and – at least one day of service at Camp Lejeune. <p>Note: The attachment of this second special issue indicator triggers assignment of the claim for centralized processing in the NWQ.</p> |
| 7 | NWQ | <p>Routes the claim to the appropriate RO as discussed in M21-1, Part IV, Subpart ii, 1.I.7.c</p> |

Note: The Louisville RO has jurisdiction for any appeals received on Camp Lejeune claims and all other non-Camp Lejeune claims and/or appeals received during the one-year appeal period.

Additional Notification Requirements

The standard Section 5103 notice contained on *VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits*, is sufficient for most claims; however, in certain situations, a subsequent development letter must be sent requesting specific information not included in the standard notice.

Camp Lejeune Service Notification: if the initial review of the claim does not establish any service at Camp Lejeune between August 1, 1953, and December 31, 1987, then send a subsequent development letter in VBMS requesting proof and details about Camp Lejeune service. (see Attachment A: Subsequent Development Letters)

Non-Presumptive Condition Notification: if the disability claimed as due to exposure to contaminants in the Camp Lejeune water supply is not recognized as a presumptive condition under [38 CFR 3.309\(f\)](#), then send a (see Attachment A: Subsequent Development Letters)

CLCW Exposure Claims Only: A claim is not substantially complete if a Veteran alleges exposure to contaminants in the Camp Lejeune water supply, but does not claim SC for a specific disability. In cases such as these, the receiving RO must follow the procedures for handling an incomplete application at [M21-1, Part I, 1.B.1.g](#).

Important: If the receiving RO is able to obtain clarification under [M21-1, Part I, 1.B.1.g](#), follow the procedures at [M21-1, Part IV, Subpart ii, 1.I.7.e](#).

Administrative Denial for Dependent CLCW Claims: Since VA has no statutory authority to compensate Veteran's dependents exposed to Camp Lejeune contaminated water, these claims are to be administratively denied. These claims can be denied by VSRs, per [M21-1 III.ii.7.2.b, Situations in Which a VSR May Deny a Claim](#). The denial must be recorded in VBMS or VETSNET awards.

Actions to Verify Service at Camp Lejeune

Before referring the claim for centralized processing, the ROJ must

- verify the Veteran had at least one day of service at Camp Lejeune between August 1, 1953, and December 31, 1987, and
- review all available service records to determine the number of days a Veteran served at Camp Lejeune during the contamination period.

Important: When calculating the 30 day service requirement, consider the number of cumulative days a Veteran served at Camp Lejeune. The 30 days of Camp Lejeune service do not have to be consecutive.

Follow the procedures in [M21-1 Part IV, Subpart ii, 1.I.7.f, ROJ's Actions to Verify Service at Camp Lejeune](#).

Obtaining Records of Camp Lejeune Service

Follow the procedures in the table below to obtain records of Camp Lejeune service during the contamination period. These records may verify Camp Lejeune service through temporary duty (TDY) orders, or performance evaluations, or in the case of National Guard or reserves, orders for active duty for training or inactive duty for training.

Note: It is important the ROJ to

- verify that the Veteran's service at Camp Lejeune occurred during the period of water contamination, August 1, 1953, to December 31, 1987
- establish the number of days of Camp Lejeune service during this time frame , and
- annotate the service records that verify service at Camp Lejeune.

Follow the procedures in [M21-1 Part IV, Subpart ii, 1.I.7.g, Obtaining Records of Camp Lejeune Service](#) to verify service at Camp Lejeune.

ATTACHMENT A: SUBSEQUENT DEVELOPMENT LETTERS

If the initial review of the claim does not establish any Camp Lejeune service during the contamination period, send a subsequent development letter with the following verbiage. Create a custom tracked item with 30 day suspense titled *CL requesting service*.

What Do We Still Need From You?

We need additional evidence from you. *Please put your VA file number on the first page of every document you send us.*

- We need additional evidence from you to verify Camp Lejeune service.
- *[optional if we are requesting additional service records at the time we are sending the letter]*
We are requesting your service records from the service department. You do not need to contact the service department yourself. If you have your service records already in your possession, please submit a copy of them to us.
- The service information VA requires to decide a claim for service connection for diseases resulting from exposure to contaminated water at Camp Lejeune includes (1) proof of service at Camp Lejeune, and (2) details about your service at the Marine Corps base. The details about your service at the Marine Corps base must include the length of time you worked at the base, your duties and the locations where you worked on base, and whether you resided on base or off base.

If the disability claimed as due to CLCW is not recognized as a presumptive condition under 38 CFR 3.309(f), send a subsequent development letter with the following verbiage. Create a custom tracked item with 30 day suspense titled *CL proof of non-presumptive disability*.

What Do We Still Need From You?

We need additional evidence from you. *Please put your VA file number on the first page of every document you send us.*

- We may consider that your [Contention] is associated with contaminants in the water supply at Camp Lejeune if you send us scientific or medical evidence showing that your claimed condition is medically associated with exposure to the contaminants. If your doctor has expressed an opinion regarding the relationship of your claimed condition to exposure to contaminants in the water supply at Camp Lejeune, send us that opinion, the reasons and bases for that opinion, and the clinical treatment records. In addition, the doctor should provide literature that supports the opinion. Literature may consist of scientific or medical journal articles, etc., that support the doctor's opinion that your exposure is related to the currently diagnosed condition.

ATTACHMENT B: CLCW DEVELOPMENT EXAMPLES

Example 2: Adding the *Environmental Hazard – Camp Lejeune* special issue in VBMS.

The screenshot shows the VBMS system interface with a navigation bar at the top containing 'Contentions List', 'Development', 'Letters', 'Tracked Items', 'Claim Notes', and 'Deferrals'. Below the navigation bar, there is a form with the following fields:

- Verified:** Yes
- Type:** New (dropdown menu)
- Medical:** Yes (dropdown menu)
- Special Issue:** (empty dropdown menu)

Below the form, there are two checked items:

- ✘ VONAPP Direct Connect
- ✘ Environmental Hazard - Camp Lejeune

Example 3: Sample annotation of Camp Lejeune service using document properties in VBMS.

The screenshot shows a document annotation in VBMS. The annotation is enclosed in a black border and contains the following information:

- Date:** 10/24/2016
- Document Title:** [Military Personnel Record](#) (with a document icon)
- Page Reference:** CLNC pg 18:
02/01/1984-
04/30/1984

PRACTICAL EXERCISE

Directions: Use your student handout to answer the following questions. Approximate time to finish this exercise is 10-15 minutes.

1. **Multiple Choice:** Which issue is not a presumptive condition under 38 CFR 3.309(f)?
 - a. Liver cancer
 - b. Hepatic steatosis
 - c. Adult leukemia
 - d. Bladder cancer
 - e. Multiple myeloma

2. **Complete the following by filling in the blanks with the appropriate wording:**

Effective _____, eight presumptive diseases were added to 38 CFR 3.309(f), for

- Active duty, former reservists, National Guard members on _____ orders, who served
- _____ days (consecutive or nonconsecutive) at Camp Lejeune, between
- August 1, 1953 to _____.

3. **True or False:** You should affix the *Environmental Hazard – Camp Lejeune – Louisville* special issue indicator if the claim involves between 1 and 29 days of service at Camp Lejeune and a diagnosis of a 38 CFR 3.309(f) condition.

4. **Case Study Example:**

A Veteran who served honorably in the Marine Corps filed a claim for service connection for multiple myeloma due to CLCW on April 1, 2017.

Service department records show service at Camp Geiger for a period in excess of 30 days from June 2000 to August 2000.

Treatment records confirm a diagnosis of multiple myeloma.

- a. Which special issue indicator should be applied to the multiple myeloma condition?
- b. Would you affix the *Environmental Hazard – Camp Lejeune – Louisville* special issue indicator? Why or why not?
- c. Which office would decide the claim? Why?