Camp Lejeune Claims development

Trainee Handout

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Objectives

* Recognize the presumptive service period, issues, and eligible service for exposure to contaminants in the water supply at Camp Lejeune, NC
* Differentiate between the development steps for processing presumptive and non-presumptive Camp Lejeune issues
* Identify claims and apply special issue indicators that require specialized processing at Louisville RO
* Identify and properly label Camp Lejeune service from service records

References

* §[38 CFR 3.307 (a)(7) Diseases associate with exposure to contaminants in the water supply at Camp Lejeune](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000018832%2F05-3307-Presumptive-service-connection-for-chronic-tropical-or-prisoner-of-war-related-disease-or-disease-associated-with-exposure-to-certain-herbicide-agents-wartime-and-service-on-or-after-January-1-1947)
* §[38 CFR 3.309 (f) Diseases associated with exposure to contaminants in the water supply at Camp Lejeune](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000018834%2F07-3309-Disease-subject-to-presumptive-service-connection)
* §[38 CFR 17.400 Hospital care and medical services for Camp Lejeune Veterans](https://www.ecfr.gov/cgi-bin/text-idx?SID=b0025f800bd58ef6c7f3fde03d476ff4&mc=true&node=se38.1.17_1400&rgn=div8)
* [M21-1, Part IV, Subpart ii. 1.I,6 Developing Claims Based on Exposure to Contaminants in the Water Supply at Camp Lejeune](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014938%2FM21-1-Part-IV-Subpart-ii-Chapter-1-Section-E-Developing-Claims-Based-on-Service-in-Southwest-Asia-Under-38-CFR-3317)
* [M21-1, Part IV, Subpart ii.2.C.6, SC for Disabilities Resulting From Exposure to Contaminants in the Water Supply at Camp Lejeune](https://vaww.compensation.pension.km.va.gov/system/templates/selfservice/va_ka/portal.html?encodedHash=%23!agent%2Fportal%2F554400000001034%2Farticle%2F554400000014556%2FM21-1-Part-IV-Subpart-ii-Chapter-2-Section-C-Service-Connection-SC-for-Disabilities-Resulting-From-Exposure-to-Environmental-Hazards-or-Service-in-the-Republic-of-Vietnam-RVN)

Topic 1: Exposure to Contaminants at Camp Lejeune and Presumptive Conditions

# history of contaminated water at camp lejeune

In the early 1980s contaminants were found in two wells that provided water at USCM Camp Lejeune, N.C. The contaminants included the volatile organic compounds trichloroethylene (TCE), a metal degreaser, and perchloroethylene (PCE), a dry cleaning agent, and vinyl chloride, as well as benzene, and other compounds. It is estimated that the contaminants were in the water supply from the mid-1950s until February 1985 when the wells were shut down.

There is evidence of an association between certain diseases and the contaminants found in the water supply at Camp Lejeune during the period of contamination.

In 2012, Public Law 112-154 extended hospital care and medical service for certain illnesses to eligible family members. 38 CFR 17.400 Hospital care and medical services for Camp Lejeune Veterans discusses these conditions.

On March 14, 2017, 38 CFR 3.307(a)(7) effectuated a presumption of service connection for specific disabilities for Veterans who served no less than 30 days (consecutive or non-consecutive) at the U.S. Marine Corps Base Camp Lejeune, North Carolina between August 1, 1953 and December 31, 1987 based on exposure to contaminants present in the base’s water supply. 38 CFR 3.309(f) outlines the diseases associated with exposure to contaminants in the water supply at Camp Lejeune.

VA continues to review medical and scientific information and presumptive issues may change in the future.

# recognizing eligible veterans

The character of discharge must be determined to be honorable for VA purposes. A Veteran, or former reservist or member of the National Guard who has record of service at Camp Lejeune during the contamination period between August 1, 1953 and December 31, 1987 are eligible for consideration of healthcare and/or service connection for Camp Lejeune issues.

Veterans with no record of Camp Lejeune service during the contamination period will be not be considered for service connection or healthcare related to Camp Lejeune contaminated water.

Veterans with records showing at least one, but less than 30 days of Camp Lejeune service during the contamination period will be considered for healthcare and/or direct SC.

Veterans with records showing at least 30 days of Camp Lejeune service during the contamination period will be considered eligible for presumptive SC under 38 CFR 3.307 and 38 CFR 3.309.

# reservists and national guard members

Claims for eligible Reservists and National Guard members are likely to be overlooked and denied improperly if their service is overlooked. You must consider Reserve and National Guard service at Camp Lejeune during the contamination period, so consider:

* Statements from the Veteran about how they were exposed
* VA Forms 21-526EZ for dates of Reserve/NG service
* DD Forms 214for total prior inactive duty time, separation of Release from active duty, or any obligation or transfer to a reserve/NG unit
* VIS showing service during the contamination period

Ensure proper development of STRs and personnel records for Reserve and National Guard service when developing for Camp Lejeune service.

# recognizing camp lejeuneissues

Camp Lejeune issues are defined as:

* 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
	+ Is otherwise established by the evidence of record

**Recognize the presumptive period and eligible service - Knowledge Check**

1. What’s is the presumptive service period for Veterans who served at Camp Lejeune?

2. How many days must a Veteran serve to effectuate a presumption of service connection for specific disabilities?

**Conditions Recognized Under 38 CFR 3.309(f)**

**See Attachment A of this handout** (**page 14), as it outlines 38 CFR 3.309(a).** Become familiar with the conditions listed under 38 CFR 3.309(f) and 38 CFR 17.400 as the Veteran doesn’t have to state these conditions are due to Camp Lejeune service for us to assist.

**Important**: Apply the *Environmental Hazard – Camp Lejeune* special issue to each Camp Lejeune issue.

Conditions Not Under 38 CFR 3.309(f), but Under 38 CFR 17.400 Healthcare

See Attachment A of this handout on page 15

**Conditions Recognized Under 38 CFR 3.309(f) Knowledge Check Questions**

1. Name three presumptive conditions covered by 38 CFR 3.309(F)?

2. Under what references can you find conditions covered by VA Health Care?

# service at camp lejeune

Under 38 CFR 3.307(a)(7)(iii), service at Camp Lejeune is service of no less than 30 days (consecutive or nonconsecutive) within the borders of the entirety of the United States Marine Corps Base Camp Lejeune and Marine Corps Air Station (MCAS) New River, North Carolina, during the period beginning on August 1, 1953, and ending on December 31, 1987.

***Important:*** Qualifying service must be established by military orders or other official service department records.

The borders of Camp Lejeune base include, but are not limited to all the following areas which may be claimed or reflected in military records:

* Camp Lejeune (also seen as CLNC or CamLej in personnel records)
* MCAS New River
* Camp Geiger
* Camp Johnson
* Naval Hospital Camp Lejeune (NHCL)
* Tarawa Terrace
* Camp Knox
* Montford Point
* Sonte Bay/Rifle Range
* Holcomb Boulevard, and
* Hadnot Point

**Exception:** Camp Lejeune service does not include service at MCAS Cherry Point.

# Topic 2: Processing Camp Lejeune Claims

# development overview

Camp Lejeune issue development requires specific notification, special issues, fact finding, and jurisdiction depending on the variables of the case. As an overview, the following give a roadmap of the process.

1. Resolve any character of discharge issues and develop for additional STRs or personnel records not of record.
2. Review all military records to document the number of days of service at Camp Lejeune during the contamination period.
3. Notify the claimant for specific information related to their claim if records do not show Camp Lejeune service or a non-presumptive issue.
4. Obtain an exam for the diagnosed presumptive 38 CFR 3.309(f) condition with 30+ days of Camp Lejeune service (if needed).
5. After the above have been met, determine the jurisdiction and ensure proper routing of the claim if specialized processing is needed.
6. Recognize the type of Camp Lejeune issue claimed and apply the *Environmental Hazard – Camp Lejeune* special issue.

# developing to the claimant

|  |  |
| --- | --- |
| **If…** | **Then send a subsequent development letter with the VBMS paragraph…** |
| The initial review of records does not establish service at CL between 8/1/53-12/31/87 | *CL – Requesting Service*(even if it’s not a presumptive condition)  |
| Any CL issue claimed is not presumptive under 38 CFR 3.309(f) | *CL - Proof of Non-Presumptive Disability* (even if CL service was for less than 30 days)***Exception***:  If the only service at Camp Lejeune was with a National Guard or Reserve unit while on active duty for training or inactive duty for training, do not send the letter.  |

# Important: Do not send if the evidence of record provides the information or is otherwise sufficient to decide the claim.

# obtaining records of camp lejeune service

Follow current procedures to obtain service treatment records and personnel records within the contamination period, including active duty, Reserve, and National Guard service time.

Take into account active duty time, the migration of records, and the custodian of records and consult a military records specialist (MRS) if needed.

For active duty service, it’s likely you’ll use a PIES O50 to obtain the STRs and/or personnel records due to the dates of Camp Lejeune service. RMC might be the custodian of STRs as well.

For Reserve and National Guard service, consider the appropriate records custodian, which could include the Veteran or the Veteran’s National Guard or Reserve unit. Follow the steps in M21-1 III.iii.2. B.3.b. Obtaining STRs for Members of the Reserves or National Guard to obtain STRs.

Personnel records may be able to be obtained through DPRIS if the Veteran had active duty, Reserve, or National Guard service during applicable dates. Follow M21-1 IV.ii.1.I.7.g for specifics.

A PIES RV1 or NG1 may be necessary when trying to obtain STRs for a Veteran who is no longer actively serving in the Reserves or National Guard and STRs cannot be located by the appropriate records custodian, nor obtained using JLV (which is very unlikely due to the service dates). Before submitting an RV1 or NG1, you may have to call the Veteran to obtain:

* will have to know if the Veteran is now a member of the Reserves (or NG),
* the home of record (at time of separation),
* last organizational assignment (NG or Reserve unit information), and
* if they served under another name (if so, what the name was)

For a successful PIES RV1 or NG1, you will likely have to remove the periods of service pulled from BIRLS and add periods of Reserve or National Guard service. Make sure to change the Address Code to 7, the entry, separation date, pay grade (if known), character of discharge, and duty status (to either NG or RSV). After entering the period of service, select Add POS and the RV1 or NG1 request. You will be prompted to enter the information shown on the request.

Example of entering a period of service for a Reserve or National Guard member in PIES:



Example of the variables required for entry when submitting an RV1 (or NG1 as they are the same). You may have to review the file or even call the Veteran to obtain this information required for a successful PIES RV1 or NG1 request.



# Developing to the Claimant – Knowledge Check Questions

1. What is the next step if the initial review of the claim does not establish any service at Camp Lejeune between August 1, 1953, and December 31, 1987?
2. What is the manual reference when the Veteran claims exposure to contaminants but does not claim a disability?

# processing jurisdiction for camp lejeune issues

The following table shows an overview of the development and decisions required to determine the correct jurisdiction for rating a claim with a Camp Lejeune issue. For the purposes of the table below RO of jurisdiction (ROJ) is the next available RO in the NWQ environment.

| **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)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ce4db74ee1e5ecc339221e5184616cc0&mc=true&node=se38.1.3_1309&rgn=div8) | a diagnosis of a [38 CFR 3.309(f)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ce4db74ee1e5ecc339221e5184616cc0&mc=true&node=se38.1.3_1309&rgn=div8) 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)](http://www.ecfr.gov/cgi-bin/text-idx?SID=ce4db74ee1e5ecc339221e5184616cc0&mc=true&node=se38.1.3_1309&rgn=div8), but recognized for healthcare purposes under [38 CFR 17.400](http://www.ecfr.gov/cgi-bin/text-idx?SID=60069bbc485ecb229a66c906964767c8&mc=true&node=se38.1.17_1400&rgn=div8)**OR**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. |

**Processing Non-Presumptive Issues**

The jurisdiction of non-presumptive Camp Lejeune issues, both any issues specifically claimed as due to exposure OR issues under 38 CFR 17.400, but not under 38 CFR 3.309(f) is determined solely on if military records document show at least one day of Camp Lejeune service.

For these issues with no Camp Lejeune service, the Regional Office of jurisdiction should decide that claim.

For these issues with at least one day of Camp Lejeune service during the contamination period, the Louisville RO should decide that claim.

**Calculating Camp Lejeune Service**

* For presumptive issues under 38 CFR 3.309(f), your goal will be to annotate 30+ days (consecutive or non-consecutive) of Camp Lejeune service across all service records
* Non-presumptive issues will be routed to centralized processing for SME review, so ensure service record development and annotate at least one day of Camp Lejeune service

After necessary notification and development, review STRs and personnel records to verify that the Veteran’s service at Camp Lejeune occurred during the period of contamination, August 1, 1953 to December 31, 1987.

* Establish the total number of days of Camp Lejeune service during this time frame, and
* Modify the document subject to annotate the service records that verify Camp Lejeune service (CLNC pg. XX: MM/DD/YYYY-MM/DD/YYY).

**Example of service records modification:**



Below is an example of service personnel records showing Camp Lejeune service at Naval Hospital Camp Lejeune. This Veteran was assigned to that location between April 29, 1971 and September 14, 1972, which would satisfy the 30+ days of Camp Lejeune service requirement for presumptive conditions.

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The standard Section 5103 notice contained on [*VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits*](http://www.vba.va.gov/pubs/forms/VBA-21-526EZ-ARE.pdf), is sufficient for most claims; however, in

# exam considerations

* Camp Lejeune issues with no Camp Lejeune service shown are likely ready for decision, but review STRs for consideration of direct SC
* Examine only presumptive conditions under 38 CFR 3.309 with 30+ days of Camp Lejeune service and a diagnosis of the condition
* A diagnosis of a presumptive cancer condition might not require an examination and be ready to rate
* Centralized processing (usually at the Louisville RO) will consider medical evidence submitted for non-presumptive conditions and might request SME medical opinions through the VHA

# routing claims for centralized processing

If the claim is to be decided by Louisville RO, add one ***Environmental Hazard - Camp Lejeune – Louisville*** special issue to ensure proper routing, but only after:

* the resolution of any character of discharge issues,
* sending applicable Camp Lejeune notification in VBMS,
* developing for all appropriate STRs and personnel records,
* verifying a diagnosis of a presumptive condition either under 38 CFR 3.309 or 38 CFR 17.400 with 1-29 days of Camp Lejeune service, and
* documenting at least one day of Camp Lejeune service

The application of this special issue will ensure proper National Work Queue routing.

**Exception**:  The following types of claims qualify for other centralized processing and will not be processed by the ROJ or Louisville RO:

* Veterans residing in foreign territories
* original pre-discharge claims
* restricted access claims, and
* other specific special mission claims, as needed

# claims for exposure only

If the Veteran alleges exposure to Camp Lejeune contaminated water, but does not claim service connection for a specific disability, then follow these steps:

1. Attempt to obtain clarification of the disability by telephone
2. Document successful clarification and proceed appropriately
3. If contact is unsuccessful and additional issues are under development, send a VBMS subsequent development letter with free text using the *What We Need* section:

“Exposure to contaminants in the water supply at Camp Lejeune, in and of itself, is not a disability. Please identify the disability(ies) that you are claiming from exposure to contaminated water at Camp Lejeune.”

1. If the only claim is for exposure only, follow the procedures of an incomplete claim per M21-1 I.1.B.1.g.

# Disability Claims Regarding Dependents

Administratively decide claims for a disability of a dependent, including birth defects. VA has no statutory authority to compensate a Veteran’s dependents exposure to Camp Lejeune water contamination.

* Resolve this claim prior to sending any other claims to Louisville
* Do not transfer these claims to the Denver RO for birth defect processing

VA is reimbursing certain Veteran’s family members for out-of-pocket medical expenses related to 38 CFR 17.400 through the Camp Lejeune Family Member Program: [www.clfamilymembers.fsc.va.gov](http://www.clfamilymembers.fsc.va.gov). You are not required to do so, but you can relay this resource to Camp Lejeune Veterans for potential benefit information.

**Processing Camp Lejeune Claims – Knowledge Check**

**1.** If the claim is to be decided by Louisville RO, what special issue do you assign to the claim?

2. What manual reference provides guidance for verifying service at Camp Lejeune before referring the claim for centralized processing?

Attachment A: Camp Lejeune Presumptive and Health Care Conditions

# presumptive conditions covered by 38 CFR 3.309(f)

* Kidney Cancer
* Liver Cancer
* Adult leukemia
* Multiple myeloma
* Parkinson’s disease
* Bladder cancer
* Aplastic anemia (AA), including moderate (MAA), severe (SAA), and very severe (VSAA)
* Non-Hodgkin’s lymphoma (NHL), which has 60 subtypes classified by the World Health Organization. Common examples include:
	+ Burkitt lymphoma-Burkitt leukemia
	+ Central nervous system (CNS) lymphoma
	+ Diffuse large B-cell lymphoma
	+ Extranodal marginal zone B-cell lymphoma of MALT
	+ Follicular lymphoma
	+ Intravascular large B-cell lymphoma
	+ Lymphomatoid granulomatosis
	+ Lymphoplasmacytic lymphoma-Waldenstrom macroglobulinemia
	+ Mantle cell lymphoma
	+ Primary mediastinal (thymic) large B-cell lymphoma
	+ Mucosa-associated lymphatic tissue (MALT) lymphoma
	+ Nodal marginal zone B-cell lymphoma
	+ Primary effusion lymphoma
	+ Small cell lymphocytic lymphoma-chronic lymphocytic leukemia
	+ Splenic marginal zone B-cell lymphoma
	+ Anaplastic large cell lymphoma, primary cutaneous type
	+ Anaplastic large cell lymphoma, systemic type
	+ Peripheral T-cell lymphoma, not otherwise specified (NOS)
	+ Angioimmunoblastic T-cell lymphoma
	+ Adult T-cell lymphoma/leukemia (human T-cell lymphotropic virus type I positive)
	+ Extranodal NK/T-cell lymphoma, nasal type
	+ Enteropathy-associated T-cell lymphoma
	+ Gamma/delta hepatosplenic T-cell lymphoma
	+ Subcutaneous panniculitis-like T-cell lymphoma
	+ Mycosis fungoides
	+ Cutaneous T-cell lymphoma (Sézary syndrome and mycosis fungoides)
	+ Hepatosplenic lymphoma
* Myelodysplastic syndromes (MDS) are groups of disorders caused by poorly formed or dysfunctional blood cells. The bone marrow doesn’t produce enough healthy blood cells, instead making too many immature cells (blasts). The World Health Organization:
	+ Refractory cytopenia with unilineage dysplasia (RCUD)
	+ Refractory anemia with ringed sideroblasts (RARS)
	+ Refractory cytopenia with multilineage dysplasia (RCMD)
	+ Refractory anemia with excess blasts-1 (RAEB-1)
	+ Refractory anemia with excess blasts-2 (RAEB-2)
	+ Myelodysplastic syndrome, unclassified (MDS-U)
	+ Myelodysplastic syndrome associated with isolated del(5q)

# conditions not recognized under 38 cfr 3.309(f), but recognized for healthcare purposes under 38 cfr 17.400

There are a few conditions listed under both 38 CFR 3.309 and 38 CFR 17.400. The following additional illnesses or conditions listed below are covered by VA Health Care:

* Esophageal Cancer
* Lung Cancer
* Breast Cancer
* Leukemia
* Renal toxicity
* Hepatic steatosis
* Female infertility
* Miscarriage
* Scleroderma

Neurobehavioral effects

Practical Exercise

**Direction: Review each of the scenarios provided below and answer the questions.**

**Scenario 1:** A Veteran has submitted a VA Form 21-526EZ electing Fully Developed Claims processing that is date stamped 20 days ago. The Veteran is claiming service connection for bladder cancer and submitted private medical records confirming the diagnosis of active bladder cancer dated 30 days ago. VA has established an EP 020 as the Veteran is currently service connected at a 60% disability rating. Service is verified on the DD214 of record that shows honorable service in the USMC from June 5, 1985 through June 30, 2015. On the DD-214 there is no information that indicates he was stationed at Camp Lejeune, NC. The Veteran’s personnel records and STRs are of record. While reviewing his DPRIS records you find evidence on page 19 of the DPRIS document bundle that the Veteran was stationed at Camp Johnson, NC from November 2, 1985 through November 15, 1986. There is no existence or mention of additional Federal records, including VAMC, or private medical records. Answer the following questions:

1. Are you required to send any notification to the Veteran? If yes, what VBMS letter type and paragraph actions would you send?
2. Does the contention of bladder cancer require special issue(s)? If yes, which one(s)?
3. Are you required to make note of the information found in the DPRIS record? If yes, what?
4. What is the next step that should be taken with this claim? (tracked item(s), exam and/or medical opinion, changing claim status etc.)

**Scenario 2:** A Veteran has submitted a VA Form 21-526EZ electing standard claims processing that is date stamped 10 days ago. The Veteran is claiming service connection for breast cancer due to exposure to contaminated water at Camp Lejeune, NC and has submitted private medical records confirming the diagnosis. VA has established an EP 110 as this is the Veteran’s original claim. The Veteran submitted a certified copy of her DD214 that shows honorable service in the USN as a nurse from May 16, 1964 through November 1, 1970. The DD-214 shows that she was detached from Naval Hospital Camp Lejeune, NC. STRs and personnel records are not of record. Answer the following questions:

1. Are you required to send any notification to the Veteran? If yes, what VBMS letter type and paragraph actions would you send?
2. Does the contention of breast cancer require special issue(s)? If yes, which one(s)?
3. Are you required to make note of the information found on the DD214? If yes, what?
4. What is the next step that should be taken with this claim? (tracked item(s), exam and/or medical opinion, changing claim status etc.)

**Scenario 3:** A Veteran submits a VA Form 21-526EZ (date stamped 15 days ago) electing traditional claims processing. They are claiming a new claim for pancreatic cancer due to exposure to contaminated water at Camp Lejeune. The Veteran currently has a disability rating of 70%. A review of the CAPRI record confirms the diagnosis of pancreatic cancer and has been uploaded to the eFolder. The DD214 of records show honorable service in the USMC from October 20, 1977 through October 19, 1991. The Veteran’s record contains the complete STRs and personnel records. STRs are silent of any pancreatic cancer or related conditions. The records show he attended boot camp at Marine Corps Recruit Depot, Paris Island, SC and was transferred to Camp Lejeune, NC on January 22, 1984 where he spent the rest of his active duty time. Answer the following questions:

1. Are you required to send any notification to the Veteran? If yes, what VBMS letter type and paragraph actions would you send?
2. Does the contention of pancreatic cancer require special issue(s)? If yes, which one(s)?
3. What is the next step that should be taken with this claim? (tracked item(s), exam and/or medical opinion, changing claim status etc.)