Office of Administrative Review Promulgation and Authorization of Radiation Claims



Purpose

This Tip Sheet addresses offsetting awards for Radiation Exposure Compensation Act (RECA) payments when promulgating and authorizing radiation claims.



Audience

Promulgation and Authorization Veterans Service Representatives (VSR) working radiation claims.

References

- Public Law 108-454, Section 302, Veterans Benefits
 Improvement Act of 2004
- <u>38 U.S.C. 1151, Benefits for persons disabled by treatment or vocational rehabilitation</u>
- 38 C.F.R. § 3.500(x), Radiation Exposure Compensation Act of 1990
- M21-1, VI.ii.1.B.4, Radiation Exposure Compensation Act (RECA) of 1990

Tips

- Reminder: Information from RECA will be requested by the radiation development VSR.
- If the claimant received a RECA payment, ensure the eFolder contains documentation of the payment for any serviceconnected conditions based on ionizing radiation exposure.
- Offsetting compensation or dependency and indemnity compensation (DIC) awards for cases involving RECA payments is the same as adjustments for claims made under 38 U.S.C. 1151. VA benefits are offset for RECA payments with a withholding.
- For adjustment of compensation benefits,
 - determine the offset as directed in <u>M21-1, VIII.iv.6.C.3.a.</u>
 - o prepare the award as described in M21-1, VIII.iv.6.C.4.a.
- For adjustment of DIC benefits,
 - o determine the offset as directed in M21-1, XII.i.3.F.3.
 - o prepare the award as described in M21-1, XII.i.3.F.4.







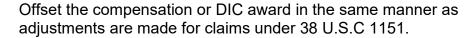


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Important Reminders

Section 302 of PL 108-454 prohibits concurrent payment under RECA and compensation or DIC for the same radiogenic disease or death

- for any months beginning after March 26, 2002, and
- once the entire amount of RECA payment is recouped from compensation or DIC otherwise payable for the same disease.



When RECA payments are elected, compensation or DIC payments are paid through the last day of the month preceding the month in which the RECA payment was issued, per 38 CFR 3.500(x). Reduce or discontinue the VA benefit effective the first day of the month RECA payment begins.





