

# 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.

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### Audience

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

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### References

- [Public Law 108-454, Section 302, Veterans Benefits Improvement Act of 2004](#)
  - [38 U.S.C. 1151, Benefits for persons disabled by treatment or vocational rehabilitation](#)
  - [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](#)
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### 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 service-connected 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 [M21-1, VIII.iv.6.C.3.a.](#)
    - prepare the award as described in [M21-1, VIII.iv.6.C.4.a.](#)
  - For adjustment of DIC benefits,
    - determine the offset as directed in [M21-1, XII.i.3.F.3.](#)
    - 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.



Offset the compensation or DIC award in the same manner as adjustments are made for claims under 38 U.S.C 1151.

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.