PACT ACT Scenario Samples

1. Survivors Pension claim with evidence of SC Death

**Scenario**: Surviving spouse submits a substantially complete original claim for Survivors Pension. The date of claim is January 1, 2023. The deceased Air Force Veteran has verified military service in Laos, from January 25, 1966, to July 24, 1966. The Veteran’s death certificate shows the causes of death as HTN and sepsis. The Veteran never applied for VA benefits.

***Result****:* *Change the EP 190 to an EP 140, apply the PACT Special Issue and refer the claim to the Rating Activity. No TERA memo is prepared for this scenario.*

1. Survivor Pension claim includes an implied service connection claim

**Scenario**: Surviving spouse submits a substantially complete original claim for Survivors Pension. The date of claim is February 1, 2023. The deceased Army Veteran has verified military service in Laos, from January 25, 1967, to July 24, 1967. The Veteran’s death certificate shows the cause of death as colon cancer. The Veteran never applied for VA benefits. The surviving spouse notes in her application that the Veteran always had a suspicion that his colon cancer was caused by herbicides used when he was in Laos.

***Result****: Change EP 190 to EP 140. Apply the PACT Special Issue and initiate proper development. This includes reviewing/documenting use of ILER, requesting the personnel file and service treatment records (if not of record) and sending development to the claimant for lay statements or other evidence of the cause of death having an association with herbicide exposure.* *Since there is an explicit claim stating colon cancer may have been caused by the Veteran’s service in a newly added presumptive location, development should be initiated for medical/lay evidence. If the claimant fails to submit any competent and credible lay or other evidence showing a reasonable association between the Veteran’s cause of death and event(s) in service and there are no other possibilities of establishing TERA via the evidence examined, then it is not necessary to verify participation in a TERA or order a TERA medical opinion.*

1. Survivor Pension claim needs development for SC death

**Scenario**: Surviving spouse submits a substantially complete original claim for Survivors Pension. The date of claim is February 1, 2023. The deceased Army Veteran has verified military service from January 25, 1966, to July 24, 1967. The Veteran’s DD 214 indicates foreign service in Asia but does not state the country of service. The Veteran’s death certificate shows the cause of death as HTN. The Veteran never applied for VA benefits. The surviving spouse meets all eligibility requirements for Survivors Pension.

**Result**: Initiate proper development. This includes reviewing/documenting use of ILER, requesting the personnel file and service treatment records, and sending development to the claimant for lay statements or other evidence of the cause of death having an association with herbicide exposure. If the development results show a DIC grant, Change the EP 190 to an EP 140 and refer the claim to the Rating Activity. Otherwise, adjudicate the claim under normal procedures.

1. DIC claim TERA memo not required:

**Scenario**: Surviving spouse submits a substantially complete original claim for DIC. The date of claim is March 31, 2023. The deceased Army Veteran has verified military service in Thailand, from January 25, 1967, to July 24, 1967. The Veteran’s death certificate shows the causes of death as CAD, HTN and Diabetes. The Veteran was 60% SC for diabetes at the time of death.

***Result***: Refer the claim to the Rating Activity without a TERA memo. *The Veteran was service connected for diabetes.*

1. *DIC claim with TERA Exception*

**Scenario**: Surviving spouse submits a substantially complete original claim for DIC. The Surviving Spouse claims the Veterans death was due to depressive disorder. The date of the claim is March 23, 2023. The Veteran died November 19, 2022. The Veteran’s death certificate shows the cause of death as effects of a car accident. The deceased Veteran served in the Army, from June 1, 2002, to June 8, 2006, and was honorably discharged. Military personnel records confirm service in Iraq from February 18, 2003, to January 31, 2004. Military personnel records also document receipt of the Combat Action Badge related to deployment in Iraq. The Veteran never applied for VA Compensation. Service treatment records fail to document any treatment, complaint, or diagnosis of depression during active duty. Evidence from the Philadelphia VAMC documents ongoing treatment for major depressive disorder as early as July 18, 2020, when the Veteran was let go from his job.

***Result***: Initiate proper development to include development for PTSD. This includes reviewing the personnel file and service treatment records and likely sending development to the claimant for lay statements or other evidence of the cause of death having an association with his time in service. Unless competent medical or scientific evidence of association between depressive disorder and in service TERA exists, an examination and/or medical opinion based on toxic exposure risk activity (TERA) will not be requested because the evidence shows depressive disorder, so there is no indication of association between this condition and participation in a TERA.

1. TERA Not Conceded

**Scenario**: Surviving spouse submits a DIC claim, on February 3, 2023. The Veteran death certificate shows HTN as the cause of death. The Veteran served in the Army from April 18, 1985, to April 20, 1989, and was honorably discharged. The Veteran’s MOS was infantryman. There is no ILER record for this Veteran. Military personnel records fail to show that the Veteran participated in any toxic risk exposure activity. Service treatment records fail to document any treatment, complaint, or diagnosis of hypertension during active duty. Evidence from VAMC Palo Alto documents a diagnosis of hypertension as early as September 2, 2010.

***Result****: Complete a TERA memorandum noting that the Veteran did not participate in a TERA. Adjudicate the claim accordingly****.***