



PENSION AND FIDUCIARY SERVICE

Toxic Exposure Risk Activity (TERA) Processing Guide

July 2023

Introduction and Purpose of this Guide

This document is a comprehensive How-To Guide that offers guidance on utilizing the TERA tool. This guide provides corresponding scenarios, with step-by-step instructions that equip users with the knowledge and tools necessary for navigating through the TERA tool proficiently.

Moreover, to empower users in practical application, the guide provides clear and concise step-by-step instructions on how to successfully utilize the tool to address the scenarios presented. By following these steps, adjudicators can navigate the tool seamlessly, and leverage its features.

About the Scenarios:

To further develop user comprehension, this guide includes scenarios that illustrate situations of when to use the TERA tool. These scenarios provide a context for users to relate to and aid in grasping the tool's relevance in specific situations.

Step-by-Step Instructions:

The step-by-step instructions assist adjudicators through the process of using the TERA tool by addressing the scenarios presented. By following the outlined steps, users will be able to effectively utilize the tool's features and successfully complete the given scenario.

Purpose of the TERA memorandum

The TERA memorandum is necessary when the cause of death cannot be granted on a presumptive basis and the disability does not meet a TERA exception. If the claimant does not claim that the non-presumptive cause of death is related to the Veteran's participation in a TERA, then scientific/lay evidence development is not required.

However, if the claims processor finds a reasonable nexus between the TERA and the non-presumptive cause of death, then development must be initiated for medical/lay evidence, which is required prior to completing a TERA memorandum. Claims processors are encouraged to communicate with RVSRs/QRT/Coach when a reasonable association is unclear.

PLEASE NOTE:

End product procedures and PACT Act special issue procedures are currently being reviewed and the following scenarios will be updated as any changes are enacted.

Scenario 1:

Question: <i>What actions are required for a Survivors Pension claim where there is evidence of SC Death?</i>	Answer: <i>Change the EP 190 to an EP 140, apply the PACT Special Issue and refer the claim to the Rating Activity.</i>
<p>Scenario: <i>Surviving spouse submits a substantially complete original claim for Survivors Pension. The date of claim is January 1, 2023. The claimant submits a certified DD Form 214 showing the deceased Air Force Veteran had military service in Laos, from January 25, 1966, to July 24, 1966. The Veteran's death certificate shows the causes of death as hypertension and sepsis. The Veteran never applied for VA benefits.</i></p> <p>Result: <i>Change the EP 190 to EP 140, add a VBMS note to acknowledge the EP change and apply the PACT Special Issue. Then refer the claim to the Rating Activity. No TERA memo is required for this scenario as service-connected death can be granted under alternate avenues of entitlement since Hypertension is a presumptive condition considering the Veteran's service in Laos.</i></p>	

When the memorandum is not necessary:

- *There is no lay or other evidence of the claimed disability.*
- *The claim is for an increase in an already service-connected condition.*
- **The claimed disability can be granted on a presumptive basis,** *(with the exception of Gulf War undiagnosed illness and medically unexplained chronic multisymptom illnesses (see PACT Act SOP content titled Undiagnosed Illness and MUCMI Development Requirements). See Toxic Exposure Risk Activity (TERA) Memorandum Job Aid*

Scenario 2:

<p>Question: <i>What actions are required for a Survivors Pension claim that includes an implied service connection claim?</i></p>	<p>Answer: <i>Change EP 190 to EP 140. Apply the PACT Special Issue and process the Survivors Pension claim. The station of jurisdiction should review the records to determine if the implied condition can be granted on a direct basis.</i></p>
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Scenario:

Surviving spouse submits a substantially complete original claim for Survivors Pension. The date of claim is February 1, 2023. Based on a certified DD Form 214 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 colorectal cancer. The Veteran never applied for VA benefits. The surviving spouse notes in her application that the Veteran always had a suspicion that his colorectal cancer was caused by herbicides used when he was in Laos but did not explicitly mark she was claiming DIC.

In this herbicide-related claim, because the claimed disability is not recognized as a presumptive condition, development was sent under 38 CFR 3.309(e), using the Veterans Benefits Management System (VBMS) development paragraph AO-not a recognized condition, requesting scientific or medical evidence showing that the claimed condition is medically associated with dioxin exposures.

*Additionally, the claims processor noted that a memo is not necessary for service-connected death when one of the exceptions applies (in this claim the exception being that etiology is not associated with toxic exposure) but it also includes the verbiage [that if one of the exceptions applies] “**and is not overcome.**” In this claim, because the claimant made a statement that the Veteran always thought his eventual cause of death and his herbicide exposure were linked—the exception was overcome and development was sent to potentially pursue an opinion.*

No response was received to development actions.

Result: *Change EP 190 to EP 140, note the EP change in VBMS Notes as an implicit claim for possible PACT related issues, add the PACT Special Issue and process the Survivors Pension claim. The station of jurisdiction should review the records to determine if the colorectal cancer can be granted on a direct basis. The VA has determined that a positive association does not exist between herbicide exposure and digestive cancers. If after development 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 received and reviewed, then a TERA memo is not necessary to decide the claim.*

See Below For:

TERA Tool Steps to Determine if Memo is Required

TOXIC EXPOSURE RISK ACTIVITY (TERA) TOOL PROCESSING GUIDE

Is the claimant requesting service-connection for the cause of death?

No
 Yes

Should the Veteran's cause of death be pursued further for service connected death?

No
 Yes

Select the Help button for additional information to assist you when answering this question.

Can the Veteran's cause of death be granted service-connected under alternate avenues of entitlement (i.e., alternate presumptive conditions found within 38 CFR 3.307 or 3.309, DIC 1318)?

No
 Yes

Select the Help button for additional information to assist you when answering this question.

Is there lay or other evidence to support service connection for the Veteran's cause of death based on toxic exposure?

No
 Yes

A TERA Memorandum is not necessary to decide the claim. Select Next to Exit.

Select the Help button for additional information to assist you when answering this question.

Scenario 3:

<p>Question: <i>Can you please explain the process when a claim for service-connected death requires a medical opinion?</i></p>	<p>Answer: <i>The cause of death is a non-presumptive disability. A review of the private medical evidence indicates the Veteran’s cause of death may be service-connected, but there is not sufficient medical evidence of record to make a decision on the claim. A TERA memorandum needs to be completed. If TERA is conceded, send to rating for an RVSR to determine if the competent and credible lay evidence supporting service connection for the cause of death based on toxic exposure warrants a medical opinion.</i></p>
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Scenario:

Surviving spouse submits a claim for DIC on February 3, 2023. The Veteran’s death certificate shows Type II Diabetes Mellitus as the cause of death. A certified DD Form 214 submitted by the claimant shows that the Veteran served in the Army from September 5, 1992 to September 16, 1996, and was honorably discharged. The Veteran’s MOS as reported on DD Form 214 was infantryman.

CAPRI records were obtained and reviewed and showed a diagnosis of diabetes as early as September 2, 2010. A review of the Veteran’s service treatment records was negative for any diagnosis or treatment of diabetes during the Veteran’s active military service. An ILER search resulted in confirmation of a TERA as the Veteran served in Kuwait.

Since Type II Diabetes Mellitus is not a presumptive for burn pit toxins, a supporting lay statement was received from a fellow infantryman whom the Veteran had been friends with since basic training who indicated the Veteran’s cause of death had to be related to his time in Kuwait and exposure to burn pit toxins. The buddy statement recounts symptoms during service that could be related to diabetes including the Veteran complaining of tingling of the hands and feet, increased urination, and occasional blurred vision, as well as his fainting a lot during physical training.

Result: *Confirm the PACT Special Issue is properly applied to the DIC contention, complete a TERA memorandum noting that the Veteran did participate in a TERA, and send to rating for an RVSR to determine if the competent and credible lay evidence that supports service connection for the cause of death based on toxic exposure warrants a medical opinion.*

See Below For:

TERA Tool Steps – TERA Conceded

TOXIC EXPOSURE RISK ACTIVITY (TERA) TOOL PROCESSING GUIDE

Is the claimant requesting service-connection for the cause of death?

- No
 Yes

Reset Entire Tool

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Help

Select the Help button for additional information to assist you when answering this question.

Can the Veteran's cause of death be granted service-connected under alternate avenues of entitlement (i.e., alternate presumptive conditions found within 38 CFR 3.307 or 3.309, DIC 1318)?

- No
 Yes

Reset Entire Tool

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Help

Select the Help button for additional information to assist you when answering this question.

Is there lay or other evidence to support service connection for the Veteran's cause of death based on toxic exposure?

- No
 Yes

Reset Entire Tool

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Help

Select the Help button for additional information to assist you when answering this question.

Are the Veteran's Military Personnel Records (MPRs) and Service Treatment Records (STRs) of record or have all procedures to obtain said records been followed and determined to be unavailable? (i.e., Uploaded to the eFolder)

- No
 Yes

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Help

Select the Help button for additional information to assist you when answering this question.

Is the Veteran's cause of death a result of physical trauma due to blunt force, repetitive use, penetrating, or other trauma? (See [TERA Exception Job Aid.](#))

- No
- Yes

Reset Entire Tool

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Help

Select the Help button for additional information to assist you when answering this question.

Is the Veteran's cause of death due to a mental disorder?

- No
- Yes

Reset Entire Tool

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Help

Select the Help button for additional information to assist you when answering this question.

Is there evidence of record to verify that the Veteran served in a location associated with exposure to herbicides?

- No
- Yes

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Help

Select the Help button for additional information to assist you when answering this question.

TOXIC EXPOSURE RISK ACTIVITY (TERA) TOOL PROCESSING GUIDE

Veteran Name:

File Number:

Date:

SUBJ: Toxic Exposure Risk Activity (TERA) Memorandum

Question 1. Does the Veteran qualify for a presumption of exposure(s) for one or more of the following hazards during military service? (If Yes, provide details below.)

No

Yes, the Veteran was exposed to the following (select all that apply):

- Herbicide Agent - 2,3,7,8 - Tetrachlorodibenzodioxin (TCDD)
- Radiation - Ionizing
- Mustard Gas - Nitrogen, Sulfur Mustard or Lewisite
- Camp Lejeune Water Contamination - Perchloroethylene (PCE), trichloroethylene (TCE), vinyl chloride, benzene

Evidence of exposure (include the subject and date of receipt of the cited documents):

Question 2A. Is there an [Individual Longitudinal Exposure Record \(ILER\)](#) entry for an activity carried out by the Veteran while on active duty involving toxic exposure to occupational or environmental hazards?
 (If Yes, answer 2B and ensure that the *Individual Exposure Summary* is uploaded into VBMS.)

No
 Yes

Question 2B. Is there any evidence of exposure over permissible limits in the ILER report?
 (If Yes, ensure that pertinent evidence is bookmarked or annotated in VBMS.)

No
 Yes

Select the Help button for additional information to assist you when answering this question.

Question 3A. Does the Veteran's VBMS eFolder contain the *Persian Gulf War Service - Sec. 1117* flash and/or 1117 memo? (If *No*, answer 3B as well.)

- No
- Yes

Evidence of service in a 38 C.F.R. § 3.317(e)(2) and/or Sec. 1117 location (include the subject and date of receipt of the cited documents):

Select the Help button for additional information to assist you when answering this question.

Question 4A. Does the Veteran's VBMS eFolder contain the *Toxic Exposure - Sec. 1119 Covered Veteran* flash and/or 1119 memo? (If *No*, answer 4B as well.)

- No
- Yes

Select the Help button for additional information to assist you when answering this question.

Question 5A. Is there evidence of other deployment related exposure in the eFolder and/or ILER (not already depicted in the questions above) which is consistent with the circumstances of the Veteran's service? (If Yes, provide details below and answer 5B as well.)

- No
- Yes

Select the Help button for additional information to assist you when answering this question.

Question 6. Is there evidence of non-deployment related exposure in the eFolder and/or ILER which is consistent with the circumstances of the Veteran's service? Examples of non-deployment related exposure include, but are not limited to, Military Occupational Specialty; other military duties; and garrison exposures. (If Yes, provide details below.)

- No
- Yes

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Help

Select the Help button for additional information to assist you when answering this question.

CONCLUSION. Did the Veteran participate in a TERA during active military service? (If Yes was answered to any of the above questions, then "Yes, the Veteran participated in a TERA" should be selected.)

- Yes, the Veteran participated in a TERA
- No, the Veteran did not participate in a TERA

Reset Entire Tool

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Finish and Sign

Employee signature

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Note: Clear signature then select "Back" to edit.