



# Update on Disability Claims Based on Gulf War Service

**Keith Hancock**  
**Compensation Service**  
**Veterans Benefits Administration**  
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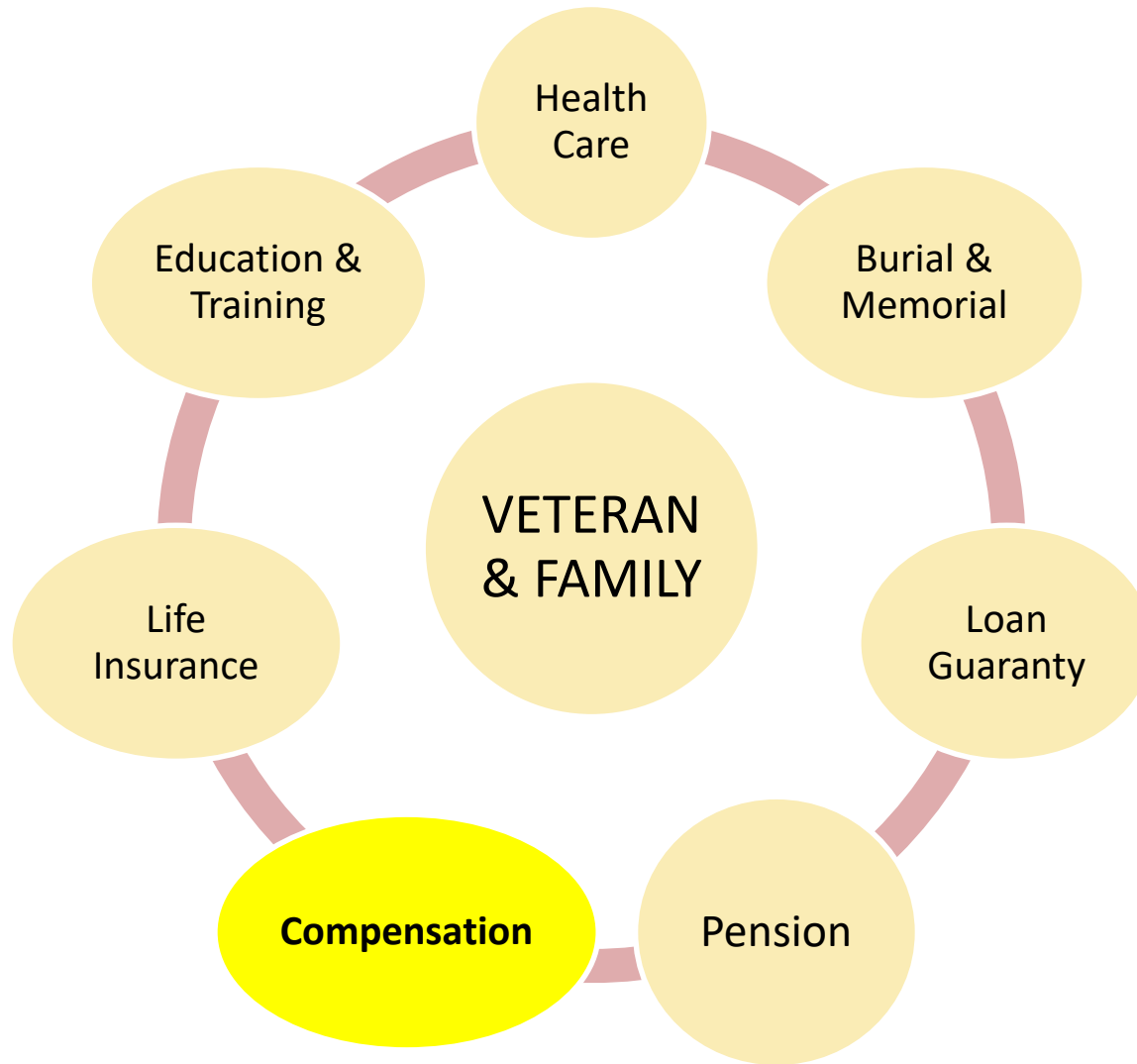
U.S. Department  
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# Agenda

- Overview of VA Disability Benefits
- Overview of VA Compensation Benefits
- Determining Service Connection for Claims based on Gulf War Service
- Gulf War Claims Data



# VA Benefits in Brief



# VA Disability Benefits in Brief

- **Disability Compensation** is a tax free monetary benefit paid to Veterans with disabilities that are the result of a disease or injury incurred or aggravated during active military service.
- Compensation may also be paid for post-service disabilities that are considered related or secondary to disabilities occurring in service and for disabilities presumed to be related to circumstances of military service, even though disabilities may arise after service.
- Generally, the degrees of disability specified are also designed to compensate for considerable loss of working time from exacerbations or illnesses.



# VA Disability Benefits in Brief

- **Special Monthly Compensation (SMC)** is an additional tax-free benefit that can be paid to Veterans, their spouses, surviving spouses and parents. For Veterans, Special Monthly Compensation is a higher rate of compensation paid due to special circumstances such as the need of aid and attendance by another person or a specific disability, such as loss of use of one hand or leg. For spouses and surviving spouses, this benefit is commonly referred to as aid and attendance and is paid based on the need of aid and attendance by another person.



# VA Disability Benefits in Brief

- **Dependency and Indemnity Compensation (DIC)** is a tax free monetary benefit generally payable to a surviving spouse, child, or parent of Servicemembers who died while on active duty, active duty for training, or inactive duty training or survivors of Veterans who died from their service-connected disabilities. DIC for parents is an income based benefit.



# VA Disability Benefits in Brief

- **VA's Pension Program** provides monthly benefit payments to certain wartime Veterans with financial need, and their survivors.
  - To be eligible for pension, a Veteran must meet service, income and net worth, and disability requirements.
- **VA's Survivors' Pension** program for surviving spouses and certain dependents of qualifying wartime Veterans provided benefits for those with financial need, if they meet the income and net worth requirements.
- **Other VA Benefits:** VA provides additional benefits for education, housing, and insurance to Veterans with disabilities and their families.



# Applying for VA Disability Benefits

- The best way to apply for **disability compensation** is by obtaining an eBenefits account and applying online, at <https://www.ebenefits.va.gov/ebenefits/homepage>
- When applying for compensation benefits, you must have access to the following information:
  - Discharge or separation papers (DD214 or equivalent)
  - Medical evidence (doctor and hospital reports)
  - Dependency records (marriage and children's birth certificates)
- Alternatively, you may print and mail-in VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits or call VA at 1-800-827-1000 to have the form mailed to you.
- For **Special Monthly Compensation**, VA will automatically award special monthly compensation if your disability qualifies at the time that we decide your disability compensation claim. To apply for SMC if you are housebound or required the aid and attendance of someone to perform daily living functions complete VA Form 21-2680 and mail it to your nearest VA regional office.





# Applying for VA Disability Benefits

- You can apply for **Veterans Pension** online or download and complete VA Form 21P-527EZ, “Application for Pension”. You can mail your application to the Pension Management Center (PMC) that serves your state. You may also visit your local regional benefit office and turn in your application for processing. You can locate your local regional benefit office using the VA Facility Locator.
- **Dependency and Indemnity Compensation (DIC) or Survivors’ Pension** VA Form 21P-534EZ, Application for DIC, Death Pension, and/or Accrued Benefits and mail it to the Pension Management Center (PMC) that serves your state. You may also visit your local regional benefit office and turn in your application for processing.



# The Compensation Program and Gulf War



# Compensation Program

- Provide compensation for disabilities incurred in, or aggravated by, military service (38 U.S.C. § 1110)
- Bases for disability compensation
  - Direct,
  - Aggravation,
  - Secondary, or
  - Presumption
- Schedule for Rating Disabilities (38 U.S.C. § 1155)
  - Paid in increments of 10% up to 100%
  - Based on average impairment of earning capacity



# Who We Serve (end of FY 2019)

Period of service	Number of Veterans	Estimated annual total payments	Estimated annual average individual payment
World War II	43,102	\$.6 Billion	\$13,772
Korean Conflict	102,270	\$1.3 Billion	\$12,641
Vietnam Era	1,429,512	\$28 Billion	\$19,238
Gulf War Era	2,563,368	\$45 Billion	\$17,730
Peacetime Era	806,023	\$10 Billion	\$12,507
<b>Total</b>	<b>4,944,275</b>	<b>\$85 Billion</b>	<b>\$17,174</b>



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# Authority for Gulf War Claims Processing

- 1994 – Persian Gulf War Veterans’ Benefits Act
  - Promoted research on disability patterns
  - Provided compensation for “undiagnosed illness”
- 1995 – VA regulation est’d (38 CFR § 3.317)
- 2001- Veterans Education & Benefits Expansion Act
  - Provided compensation for medically unexplained chronic multi-symptom illness
- 2010 – VA regulation amended (§ 3.317)
  - Provided compensation for infectious diseases

# Gulf War Regulation

- VA presumes certain chronic unexplained symptoms existing for 6 months or more anytime after August 2, 1990, are related to Gulf War service (38 CFR § 3.317)
  - Undiagnosed illness or
  - Medically unexplained chronic multisymptom illness (such as fibromyalgia, chronic fatigue syndrome, and functional GI disorder)
  - Certain infectious diseases such as Malaria (also includes service in Afghanistan after 9/19/01)



# Recent Court Case of Significance

- Stewart v. Wilkie, 30 Vet.App.383 (2018) United States Court of Appeals for Veterans Claims
  - The Court held that under the first sentence of 38 C.F.R. § 3.317(a)(2)(ii), a medically unexplained chronic multisymptom illness (MUCMI) is established if the diagnosed illness has either an inconclusive etiology or pathophysiology.
  - Demonstration of both an inconclusive etiology and pathophysiology is no longer required to establish a MUCMI.
- VA is currently amending Disability Benefits Questionnaire to reflect this change.



# Questions?



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