

APPENDIX U

MAY 23, 1997

MEMORANDUM FROM KRISTINE A. MOFFITT, DIRECTOR,
COMPENSATION AND PENSION SERVICE, VETERANS BENEFITS
ADMINISTRATION, TO VA REGIONAL OFFICES AND SERVICE CENTERS
CONCERNING REDISTRIBUTION OF PERSIAN GULF WAR CLAIMS

May 23, 1997
Director (00/21)

2 13B (97-60)

All VBA Regional Offices and Centers

SUBJ: Redistribution of PGW Environmental Hazard Claims

1. By way of background, in 1994 we decided to add three additional regional offices (Nashville, Philadelphia and Phoenix) to the one, Louisville, originally charged with the responsibility of processing Persian Gulf War (PGW) environmental hazard cases. On July 16, 1996, we issued instructions to those four offices to begin a readjudication of all claims which had been disallowed up to that point to ensure complete development, with particular attention being given to lay evidence. On March 7, 1997, the President approved a request by Secretary Brown to extend the eligibility period for compensation for PGW veterans with undiagnosed illnesses through December 31, 2001. At this point, the volume of these complex environmental illness claims is sufficiently high to warrant redistribution among all VA regional offices

2. Attached is an implementation plan designed to ensure the efficient redistribution of PGW environmental hazard/undiagnosed illness cases from the four Area Processing Offices (APOs) to all regional offices

3. The very highest priority for your overall workload will be two categories of these redistributed PGW cases. The first category is undiagnosed illness claims which were disallowed on or after August 1, 1996, because the signs or symptoms first became manifest after the presumptive period, formerly two years after departure from the Persian Gulf Theater. The second group of these critical PGW cases is comprised of cases not yet readjudicated in accordance with the review mandated by Ah-Station Letter 96-73 dated July 16, 1996. In addition, original and reopened PGW claims plus appeals will be redistributed to be worked after the completion of the two priority categories.

4. Out of workload concerns, the Area Offices may withhold these two critical categories of claims from selected offices to be worked at other offices better able to handle the workload. However, all regional offices will be involved in this process because original and reopened claims plus appeals of PGW environmental hazard cases will be sent to all offices without exception.

5. An interim rule to amend 38 CFR 3.317 was published in the *Federal Register* on April 29, 1997 (see All-Station Letter 97-46 dated May 1, 1997). Please note that this regulation change was retroactive to November 2, 1994. Because of that retroactive effective date, claimants may be eligible to receive benefits up to one year prior to the date they file a claim, even if they did not meet all the requirements of the liberalized regulation on November 2, 1994. For additional information, refer to All-Station Letter 97-43 dated April 23, 1997, which contains notice of a recent amendment to 38 CFR 3.114(a).

/s/

Kristine A. Moffitt, Director
Compensation and Pension Service

Attachment

Implementation Plan for Redistribution of PGW Workload

General

The implementation letter to all stations should provide a brief background leading up to the redistribution of cases.

Recognizing that PGW environmental hazard/undiagnosed illness cases are complex and have a high profile, we recommend that individual ROs consider carefully the rating specialists to be assigned to handle these cases.

The PGW workload currently at the APOs falls into the following categories:

1. Cases previously denied under the 2-year presumptive period (identified in the PGW Tracking System by Code 4 with rating date of August 1, 1996 or later)
2. Readjudication cases (controlled under End Product 684)
3. Original claims, reopened claims and appeals (controlled under End Products 019, 119, 029 and 179)

Identification of Cases

1. All APOs have identified the cases to be returned to ROs and have a count of cases each RO will receive. A master listing of all PGW cases and their associated categories will be furnished to each RO. See item 2 under "**Return of Cases to Regional Offices.**"
2. Cases for each RO of jurisdiction are sorted at the APO according to type of claim. They will be shipped and rated in the following order of priority:
 - a. Cases in the Code 4 category which were rated after 8-1-96
 - b. Cases pending readjudication (EP 684; includes all other code 4 cases)
 - c. All other PGW environmental hazard claims (EP 019, 119, 029, 179)

Return of Cases to Regional Offices

1. An initial shipment will be accomplished no later than May 27, 1997, by overnight express if necessary, so that all stations have some cases on hand at the time of the initial satellite training on May 29, 1997.
 - a. Each RO will receive at least one box of cases in the initial shipment with code 4 cases rated after 8/1/96 packed first. Readjudication cases under EP 684 and other EPs will be added to supplement the shipment, as necessary

- b. All other readjudication cases will be shipped as soon after this date as practicable.
 - c. Cases which have more than one EP pending should be returned in the group having the highest priority.
 - d. The APO will cancel the End Product controls before the cases are released as provided in M21-1, Part II, 4.10c(2).
 - e. Each shipment will have a list identifying the cases sent and their category.
2. Each APO will furnish the RO a master list of all active cases in RO jurisdiction by claim number and category. The list will include any active cases which have been temporarily transferred to the RO for an exam or other reasons.
 3. Cases which are not currently at the APOs (i.e., outstanding exams, etc.) will be retained by the RO of jurisdiction. The regional office will coordinate with the APO to update folder location in COVERS.
 4. All remaining cases will be shipped as coordinated between the RO and the APO, no later than June 30, 1997.
 5. Generally, the best shipping method is considered to be FED EX Second Business Day delivery.
 6. Inactive cases currently located at APOs (cases already completed by the APO) will be retained at the APO until new action mail is received. At that time, they will be transferred to the appropriate RO of jurisdiction.

End Product Control

1. As cases are received in the regional offices of geographic jurisdiction, the end product controls will be set up under EP 684 for readjudication and Code 4 cases, and under EP 689 for all other PGW environmental hazard claims, including appeals. Note that the date of claim for end products 684 and 689 will be based on the date those claims were first received by any VA facility. (This applies even if the claim was established under other end products. See Change 10 to M21-1, Part V dated January 10, 1997.) At the time of award or disallowance action (use of the CAUT command), the end product should be PCHG'd to the underlying end product with a "9" modifier, e.g., 019, 029, 119, etc. Discrete end products 684 and 689 are maintained for PGW environmental hazard and undiagnosed illness claims because these issues are tracked in national reports, e.g., the "Rockefeller Report." Pending workload reports for these issues are taken directly from WIPP W-10.
2. In processing the readjudication cases, if additional non-readjudication issues have been raised which must be deferred for exam or other development, the readjudication issues will be rated and

the end product will be PCHG'd from 684 to 689 and continued. The change from EP 684 to 689 reflects the fact that the case continues as a PGW environmental hazard pending claim but is no longer a readjudication claim. There will be no work measurement credit taken at this point. However, the results of the readjudication will be entered into the tracking system and the readjudication process for that case will be considered completed.

Tracking System

The implementation letter to all stations will include necessary information concerning the PGW data base and tracking system along with instructions for tracking system entries.

Notification Letter

Regional Offices will be responsible for sending a letter notifying the veteran that the claim is now under Regional Office jurisdiction. Standard language for the letter will be issued with modification to be made by each RO to identify the contact point for questions concerning status of the claim.

Training

1. Training currently planned includes
 - a. Satellite Broadcast on May 29, 1997.
 - b. Training in Cleveland on June 2 and 3, 1997.
 - c. PGW workshops to be conducted at selected sites.
 - d. Additional satellite broadcasts as needed
2. Problem Solving
 - a. A "Persian Gulf Rapid Response Team" will provide consistent and timely answers to any questions concerning PGW rating issues and disseminate information of value to all stations. APO representatives will be rotating members on this team.
 - b. Weekly Conference calls with all ROs and Central Office personnel will be conducted

Regional Office Plans

Each Regional Office will submit an individual office plan to Compensation and Pension Service to provide information concerning the process for rating these cases including:

- a. The number of Rating Specialists assigned to rate PGW claims and how they will be organized (e.g., in specialized rating boards or one Rating Specialist per team).
- b. The name, phone number and FAX number of the point of contact at the station responsible for organization and control of these claims. (This list will supersede the current list of PGW Coordinators.)
- c. The name, phone number and FAX number of the person responsible for training at each station (if other than the point of contact)
- d. The names, phone numbers and FAX numbers of the primary and backup persons who will access the PGW data base for the weekly update.

PGW Workload Which Will Not Be Redistributed to the RO of Local Jurisdiction

All regional offices will receive the original, reopened and appeal cases in the PGW workload currently located at the APOs. Cases pending readjudication and Code 4 disallowances after August 1, 1996 will not be returned to the offices of geographical jurisdiction in the exception stations shown below.

The offices taking responsibility for the readjudication and Code 4 cases in these instances will file separate reports for each station for which they are responsible.

<u>Station of Exception</u>	<u>Responsible Station</u>
New York	Philadelphia
Buffalo	Philadelphia
Manchester	Philadelphia
Roanoke	Philadelphia
Waco	Nashville
San Juan	Muskogee
Atlanta (00-49)	Little Rock
Atlanta (50-99)	New Orleans
Ft. Harrison	Phoenix
Honolulu	Phoenix
Anchorage	Phoenix

Reports

1. Each APO will provide to VACO via MS Exchange at VAVBAWAS/CO/213B a report of the number and types of cases shipped to each RO along with the date of shipment. The first report should be sent by close of business May 29, 1997.

2. Each RO will be responsible for submitting a weekly report to VACO at the above mailbox by close of business each Monday, beginning June 9, 1997 (sample attached). Note that any office which will work cases for another office will submit a report covering its own cases in addition to a second report covering only the cases received and worked on behalf of the other office.

Note that this weekly report will cover only code 4 disallowances (signs or symptoms first manifest beyond presumptive period) after August 1, 1996, and Readjudication cases. Reports of pending and completed PGW environmental hazard and undiagnosed illness claims in all other categories are derived from the WIPP W-10 Screen and from the PGW data base.

3. Each RO will monitor the quality of PGW claims processed in order to evaluate accuracy and the effectiveness of the PGW training. The station will review environmental hazard and/or undiagnosed illness claims.

Station size	# Per Month
1	5
2	10
3	15

The station size category is established in M21-4, Paragraph 2.05. Each station will submit a report of its findings to the C&P Service (213B) by fax at (202) 275-1756 or 275-1728. The reports will be due the 5th workday of each month, beginning July 8, 1997. The report should include the veterans' names, claim numbers and whether an error was found. The regional offices will also send copies of the exception sheets to correspond to the errors noted in the report.

4. Finally, the report should also include any outreach activities accomplished such as town meetings or seminars on PGW issues.

5. If there are questions about any of the required reports, contact Dave Spivey of the Procedures Staff at (202) 273-7258 or by MS Exchange E-Mail.

STATION NAME: _____

REGIONAL OFFICE WEEKLY REPORT

PGW CASES

**TOTAL CODE 4 DISALLOWANCES
8/1/96 OR LATER ON HAND
AFTER REDISTRIBUTION**

**CLAIMS
COMPLETED**

**CLAIMS
PENDING**

**TOTAL READJUDICATION CASES
ON HAND AFTER REDISTRIBUTION**

**CLAIMS
COMPLETED**

**CLAIMS
PENDING**

**SAMPLE PGW TRANSFER LETTER TO BE SENT BY THE RECEIVING STATION
[TO BE MODIFIED TO REFLECT LOCAL ORGANIZATIONAL STRUCTURE AND
PHONE NO.]**

**NAME
ADDRESS
ADDRESS
ADDRESS**

Dear [XXXXXXXX]

This letter is to let you know that your VA claims file was transferred to this office. It was sent here so you would have easy access to it and the office making decisions about your claim.

Included in your file is your claim for benefits based on [disability/death] resulting from an undiagnosed illness, or exposure to environmental hazards during your military service in the Persian Gulf. We will tell you more about your claim as it becomes necessary.

You should mail any correspondence or evidence concerning your claim to the address above. Please be sure to include your VA claim number on all correspondence. [Insert here any specific information as to the team, group or office to contact along with the phone number]

Sincerely yours,

[Name]
ADJUDICATION OFFICER/VETERANS
SERVICE CENTER MANAGER