

**Compensation for Disability Resulting  
From Ionizing Radiation Exposure**

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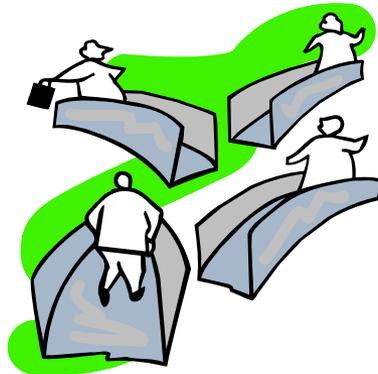
**Compensation and Pension Service**



## Regional Office Claims Processing Overview

The Claims Process Improvement (CPI) model revised VA procedures for processing claims.

Individual steps in the process were separated into team operations to accomplish this goal.



## The 6 Teams comprising this system are:

- Triage Team
- Pre-determination Team
- Rating Team
- Post-determination Team
- Appeals Team
- Public Contact Team



## Central Office Processing of Radiation Claims

- Claim received from a RO
- Claim reviewed for completeness
- Claim forwarded to the Veterans Health Administration for a medical opinion
- Following receipt of a medical opinion the claims folder is returned to the RO



## Exposure to Ionizing Radiation

### References

- Pub. L. 98-542 - Veterans' Dioxin and Radiation Exposure Compensation Act (Oct. 24, 1984) resulted in:
  - 38 C.F.R. § 3.311
- Pub. L. 100-321 - Radiation-Exposed Veterans Compensation Act of 1988 (May 20, 1988) resulted in:
  - 38 C.F.R. 3.309(d)

## Three categories of exposure:

- Participation in the military occupation of Hiroshima or Nagasaki.
- Participation in atmospheric testing of nuclear weapons.
- Occupational (on the job) exposure.



## Development for Radiation Exposure

- Determine that a specific disability is claimed.
- If the disability is **not** one listed under 38 C.F.R. 3.309(d) or 3.311, a claim for direct service connection is considered.
- If the disability **is** listed in 3.309(d) or 3.311, the following will be undertaken:

**38 C.F.R. 3.309(d)**  
**(Atmosphere testing or Hiroshima/Nagasaki)**

- Obtain medical evidence of the claimed disability.
2. Obtain verification of participation in a radiation-risk activity from the Defense Threat Reduction Agency (DTRA).



**38 C.F.R 3.311  
(Atmospheric testing, Hiroshima/Nagasaki,  
or Job Related exposure)**

1. Obtain medical evidence
2. Send development letter to claimant
3. Contact Military Branch for exposure information (job related)
4. Contact VA Central Office – Compensation & Pension Service
5. Contact the Defense Threat Reduction Agency for exposure data

## National Research Council Report on Dose Reconstruction

- The report, issued May 8, 2003, contained critical findings
- The most important point from VA perspective was that upper bound doses had been underestimated.

## Readjudication of Previously Denied Radiation Claims

Based on the NRC report VA determined that a review of previous denials of radiation claims based on doses that failed to establish causation would be undertaken.

More than 11,000 records were reviewed to determine which claims had been denied because the level of the exposure did not reach a level that would have caused the disease claimed.

Following review of the 11,000 records 1,250 claims requiring readjudication were identified.

New radiation doses for these claims were requested from DTRA. As these doses are received the claims are being readjudicated.

To date 188 of these claims have completed the readjudication process. Entitlement to benefits for 126 of these claims has been established.