

TDVS Fact Sheet
PACT Act Frequently Asked Questions V1
August 23, 2022

The Honoring our Pact Act of 2022 or PACT Act is being hailed as the largest expansion of care and benefits in VA history. Here's VA's web page - www.va.gov/pact - to help answer questions.

Why it matters: Veterans and their families are already asking you for advice on whether and how this legislation impacts them. VA is considering all the presumptive conditions established by the PACT Act presumptive on the date the bill becomes law – August 10, 2022.

Frequently Asked Questions

Workload

Question: I've already seen an increase in my workload because of the PACT Act. How can I collect data to make a case to my leadership (County Mayor or Commission) that I need additional resources?

Answer: TDVS is focused on data informed decision making and supporting County Partners in advocating for resources. Help us collect PACT Act data by using VetraSpec in a consistent way when filing claims.

- When packaging a VA Form 21-526EZ or VA Form 21-534 EZ that involves a PACT Act contention, check the "Claim Electronically Submitted" radial button in VetraSpec Communications and note "PACT Act 526EZ **or** PACT Act 534EZ" in the text box.

Submit

NEW COMMUNICATION

DATE: August 19 2022 TIME: 01 12 p.m.

TYPE:

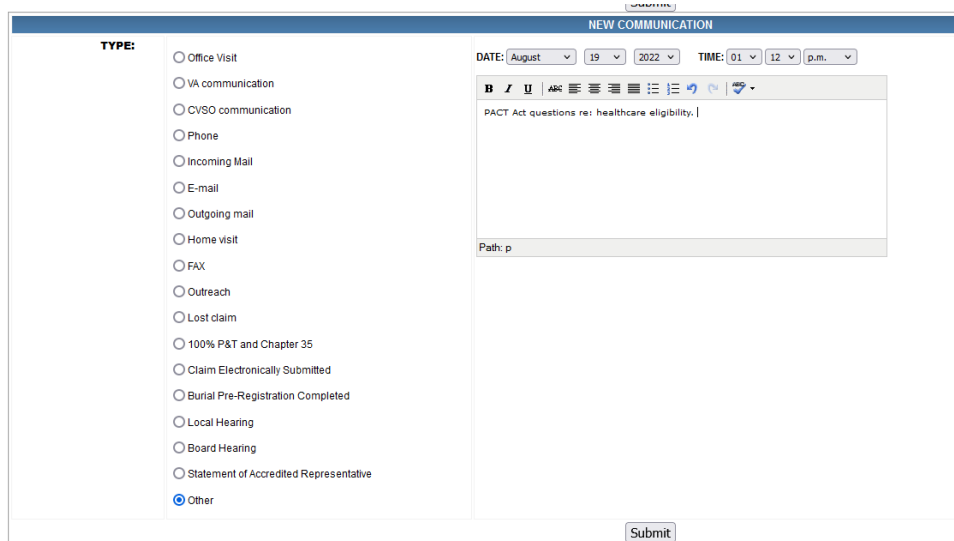
- Office Visit
- VA communication
- CVSO communication
- Phone
- Incoming Mail
- E-mail
- Outgoing mail
- Home visit
- FAX
- Outreach
- Lost claim
- 100% P&T and Chapter 35
- Claim Electronically Submitted
- Burial Pre-Registration Completed

B I U ABC [Rich Text Editor Icons]

PACT Act 526EZ

Path: p

- For other PACT Act related issues such as Supplemental Claims, Higher Level Reviews, BVA Appeals, general questions, etc., check the “Other” radio button in VetraSpec Communications and note “PACT Act....and describe action.”



REMINDER – Always verify and if necessary change the Office and CVSO information to reflect the office (Region/Office/County) and individual (CSO) currently assisting the client to improve the accuracy of VetraSpec’s reports.

OFFICE AND CVSO INFORMATION	
REGION/OFFICE/COUNTY:	Nashville Field Office
CSO:	Travis Murphy - TDVS
CLAIM MANAGED BY:	Travis Murphy - TDVS
RECORD LAST EDITED BY:	Travis Murphy (TDVS) on Dec. 02, 2019
RECORD ORIGINALLY ENTERED BY:	Travis Murphy (TDVS), on Jun. 27, 2019
IS THIS RECORD CONFIDENTIAL?	No
Save	
VetraSpec by DataSpec, Inc. www.dataspecinc.com 1-877-568-7732 Help Use constitutes agreement of the TOS	

Question: I’ve filed several PACT Act claims, but have seen no action by VA. When will VA begin processing PACT Act claims?

Answer: VA anticipates processing PACT Act claims beginning in January 2023. Continue to file ITFs, develop claims, and file claims for PACT Act benefits to preserve the earliest possible effective date.

Disagreements with Previous VA Decisions

Appeal and his appeal has been docketed. Should he withdraw the appeal and file a supplemental claim instead?

Answer: No, you should counsel the Veteran not to withdraw the BVA Appeal because he could be successful on a direct service connection theory, thus entitling him to an earlier effective date than could be awarded with withdrawal and filing a supplemental claim.

Advocacy Tips

Question: How should I let VA know a Veteran is eligible for benefits as a result of the PACT Act? Should I just note “PACT Act” on the VA Form 21-526EZ or VA Form 21-0995?

13. YOU MUST LIST EACH ISSUE DECIDED BY VA THAT YOU WOULD LIKE VA TO REVIEW AS PART OF YOUR SUPPLEMENTAL CLAIM. Please refer to your decision notice(s) for a list of adjudicated issues. For each issue, please identify the date of VA's decision. (You may attach additional sheets of paper, if necessary. Include your name and file number on each additional sheet.)		
Check this box if any issue listed below is being withdrawn from the legacy appeals process.		<input type="checkbox"/> OPT-IN from SOCSOC
13A. SPECIFIC ISSUE(S)		13B. DATE OF VA DECISION NOTICE
Bladder Cancer (PACT Act)		07 / 08 / 2021
		mm / dd / yyyy
		mm / dd / yyyy
		mm / dd / yyyy
		mm / dd / yyyy
		mm / dd / yyyy
		mm / dd / yyyy

VA FORM 20-0995 APR 2021 SUPERSEDES VA FORM 20-0995, FEB 2019 Page 3

Answer: You should do more than just noting “PACT Act” on the VA Form 21-526EZ or VA Form 21-0995. You should counsel the Veteran or claimant and help them identify for VA the three elements of service connection to increase the likelihood of success and speed the adjudication of the claim. All claims for service-connected disability require an in-service event, nexus and current disability.

As an example, a VA Form 21-4138 with argument along the lines of the following would be persuasive when a Vietnam Era Veteran’s record already contains evidence of service at a Royal Thai Air Force Base and a diagnosis of Bladder Cancer.

“Veteran is entitled to service connection for Bladder Cancer because he meets the three elements required for service connection.

Veteran served in the Air force from March 21, 1968, to May 14, 1971, including service at Ubon, RTAFB (Royal Thai Air Force Base, Thailand, during 1969 to 1970 as a Munitions Specialist. His service in Thailand is annotated in his military personnel records (see pages 100 – 112 of military personnel record dated 9/11/17 in VBMS) and in a previous VA Memo dated March 22, 2016.

Veteran has also been diagnosed with Bladder Cancer (see private medical records from Dr. Cancer dated 11/5/17). That diagnosis was noted as positive evidence in the most recent VA decision.

On August 10, 2022, the PACT Act added presumptive locations including any U.S. or Royal Thai military base in Thailand from January 9, 1962, through June 30, 1976. Because of this law, Veteran now meets all the requirements necessary for service connection of Bladder Cancer.”

SECTION II: REMARKS
(The following statement is made in connection with a claim for benefits in the case of the above-named veteran/beneficiary.)

Due to space constraints on the printed 21-4138, you may only enter a limited number of characters in this box. The text will be single spaced.
 If you want a double space between paragraphs, hit SHIFT+ENTER twice after paragraphs.
 If you reach the limit, you will be alerted. If that happens, simply finish your statement using the text box on Page 2 under "SECTION II: REMARKS (Continued)"

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Veteran is entitled to service connection for Bladder Cancer because he meets the three elements required for service connection.

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Other

Question: Does asthma, rhinitis or sinusitis need to manifest within 10 years of the qualifying period of service to be eligible for service-connected disability compensation?

As highlighted in [Benefits Bulletin 21-8](#), on August 5, 2021, VA published an [interim final rule](#) that established presumptive service connection for asthma, rhinitis and sinusitis based on particulate matter exposure during a qualifying period of service. However, the condition had to manifest within 10 years of the qualifying period of service.

Answer: No. Asthma, rhinitis, or sinusitis does not need to manifest within 10 years of the qualifying period of service to be eligible for service-connected disability compensation. The PACT Act removes the 10-year requirement. Veterans are eligible for service connection if asthma, rhinitis, or sinusitis manifest any time after the qualifying period of service.

Question: What happens to a Veterans or Survivors VA benefits if they file a lawsuit based on the Camp Lejeune Justice Act (Section 804 of PACT Act)?

Answer: The PACT Act included an ability to sue in Federal Court for harm caused by exposure to the water at Camp Lejeune. However, the law also requires any award made by the court to be offset by certain federal benefits including VA benefits in connection with health care or a disability relating to exposure to the water at Camp Lejeune. Veterans should discuss this potential offset before entering into an agreement with an attorney to provide representation in Federal Court.

I Need More

I need more: Visit VA's web page - www.va.gov/pact - to help answer questions. Direct questions to the [Appeals & Accreditation Team](#) by emailing tdva.vbanas@va.gov, so, we can answer your specific question(s) and share answers to common questions more broadly.



TDVS will continue to provide additional information and guidance in the weeks and months ahead including a deep dive into the PACT Act as a block of instruction at the Annual Conference, September 26th – 28th at Montgomery Bell State Park.