



Department of

Veterans Services

March 2018

Quarterly Training



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Combat-Related Special Compensation (CRSC)

Introduction

- Combat-Related Special Compensation (CRSC) is a monthly entitlement that allows eligible military retirees to recover some or all of their retired pay that was offset by their Department of Veterans Affairs (VA) disability compensation. Eligible retirees must have a combat-related injury and may receive this entitlement in addition to any retired pay they receive from the Defense Finance and Accounting Service (DFAS).



Key Points

- CRSC is specifically for military retirees with combat-related disabilities.
- CRSC is NOT subject to either taxation or division with a former spouse (but can be garnished).
- Veteran can only receive CRSC or Concurrent Retirement and Disability Payments (CRDP) not both.
- Includes Individual Unemployability, Temporary Disability Retired List (TDRL), and Temporary Early Retirement Authority (TERA).
- Best for VA related disabilities of less than 50%.
- Must elect between December & January of each year (Open Enrollment).

Eligibility

Veterans may be eligible for CRSC if you currently receive military retired pay and meet one of the following criteria:

- Were awarded a Purple Heart with a combined disability rating for Purple Heart Disabilities that is at least 10 percent disabling from June 1, 2003 to present; or
- Have a combined disability rating for all combat-related disabilities that is at least 60 percent disabling from June 1, 2003 through December 31, 2003; or
- Have a combined disability rating for all combat-related disabilities that is at least 10 percent disabling from January 1, 2004 to present.
- Branch of service will determine whether or not your disability codes are combat related.

Other Considerations

Must be able to provide documentation that injury was a result of one of the following:

- Purple Heart
- Armed Conflict
- Simulating War
- Hazardous Service
- Instrumentality of War
- Agent Orange
- Radiation Exposure
- Gulf War
- Mustard Gas or Lewisite

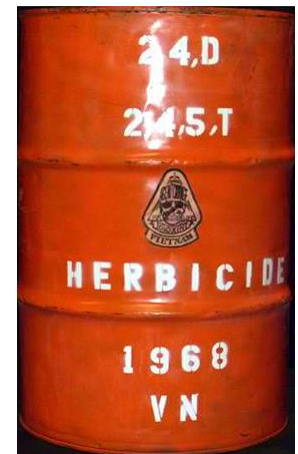
Agent Orange, Radiation Exposure and Mustard Gas or Lewisite presumptive conditions must be identified on their respective presumptive lists and must meet all other presumptive requirements, such as location, operations, etc.

Definitions

- **Armed Conflict / Combat:** This can include direct or indirect wounds which occurred during armed conflict.
- **Hazardous Duty:** This can include activities such as demolition duty, diving, parachuting, aerial flight, and more.
- **An Instrumentality of War:** An instrumentality of war is a device such as a weapon or weapon systems specifically designed for military duty or warfare. This can include certain military combat vehicles, vessels, aircraft, or an injury or sickness caused by exposure to fumes, gases, or chemicals. Agent Orange exposure would qualify as an instrumentality of war.

Agent Orange

As of Oct. 30, 2010, eligible Vietnam-era veterans exposed to herbicides and disabled by chronic b-cell leukemia, Parkinson's disease, or ischemic heart disease, may begin receiving disability and health care benefits on approved claims. Vietnam veterans may apply for disability compensation for these diseases using Veterans Affairs Fast Track Claims Processing System.



Thailand Service

Vietnam-era veterans who served in Thailand on or near the perimeters of military bases may have been exposed to herbicides and may qualify for VA benefits.



Definitions

- **Simulated War:** This can include activities, such as, military training, exercises, airborne ops, live fire exercises, hand-to-hand combat training, and more. This does not include standard physical training such as running, jogging, or group sports activities.



Chapter 61

The 2008 National Defense Authorization Act was signed into law January 28, 2008. Guidance to implement this program was received June 9, 2008. This act expands the eligibility of CRSC to include anyone receiving military retired pay.



Chapter 61

This includes Medical Chapter 61, Temporary Early Retirement Act (TERA) and Temporary Disabled Retirement List retirees. These new eligible components for CRSC went into effect January 1, 2008.

Chapter 61

Medical and TERA retirees must still provide documentation that shows a causal link between a current VA disability and a combat-related event.

Back Pay

- Anyone can be eligible to receive benefits under CRSC as long as they meet the eligibility requirements. This means it can apply to veterans who retired decades ago, or as recently as a month ago.
- There is even the possibility of receiving back pay if the veteran is determined to be eligible for this benefit.

Back Pay

- However, if the veteran retired with full longevity (20 or more years of service), he or she can only receive back pay as early as June 1, 2003, which was the effective date authorized by Congress.
- If the veteran was medically retired under Chapter 61 with less than 20 years of service, back pay can only go back to January 2008, which was the effective date for authorizing veterans who retired with a medical retirement.

Considerations

How much CRSC compensation will I receive?

The amount of compensation you receive will be equal to the amount of VA disability compensation allowable for those disabilities determined to be combat-related, up to the total amount of your retired pay offset by the VA waiver.

Considerations

Will CRSC take into account dependent compensation?

Yes, CRSC will include whatever amount of dependent compensation associated with your disability rating.

Considerations

Will CRSC take into account compensation for Individual Unemployability (IU)?

Yes. An IU rating from the VA gets you CRSC paid at the 100-percent VA rate, regardless of your actual VA rating (down to 60 percent). Losing the IU rating from the VA causes you to revert back to your actual VA rating compensation.

Considerations

Will CRSC take into account SMC?

Your parent service will determine if your SMC is attributable to combat-related disabilities. If so, your CRSC payment will include the SMC amount. The VA will provide descriptions of SMC criteria and will provide counsel in unusual situations.

Considerations

I received a disability retirement from my military service. How will this affect my compensation?

You still will be eligible for CRSC, but there probably will be some adjustments to the amount you receive. Your military service awarded you a medical disability retirement (Chapter 61), which probably provides you extra pay for your disability.

Considerations

Will the pay be retroactive?

All compensation will be retroactive to the date you became eligible for CRSC.

Considerations

Is the compensation taxable?

CRSC is not taxable based on current law regarding taxability of disability income.

Considerations

Are former spouses eligible?

CRSC is not considered service retired pay by law and does not fall under the USFSPA. As such, it is not considered marital property subject to division in a divorce. Therefore, former spouses who have been awarded a portion of the servicemember's retired pay are restricted to actual retired pay and not the separate CRSC check.



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Concurrent Retirement and Disability Payments (CRDP)

Eligibility

To qualify for CRDP, Veterans must have:

- VA service-connected disability rating of 50 percent or greater,
- Be eligible to receive retired pay, and:
 - Retire from military service based on longevity, including Temporary Early Retirement Authority (TERA) retirees; or
 - Retire due to disability with 20 or more years of service*; or
 - Retire from National Guard or Reserve service with 20 or more qualifying years.

CRDP / CRSC Comparison Issues

- One will put more money in your pocket.
- The combat-related factor of CRSC might be more restrictive than the whole-body CRDP factor, so CRSC could pay less. It is not unusual for the combat-related rating to be lower than the VA rating. The service may determine, for example, that only 30 percent of the disabilities in your 70-percent VA rating are combat-related. In this case, the taxable CRDP amount might put more money in your pocket, even after taxes, than a 30-percent CRSC tax-free payment.
- CRSC is tax-free; CRDP is not.

CRDP / CRSC Comparison Issues

- You might not want to go through the CRSC application process.
- CRDP is divisible by divorce courts; CRSC is not.
- CRDP automatically is paid to members who receive VA compensation and service retirement pay, if they meet the qualifications.
- CRDP eliminates the VA waiver from service retired pay.
- CRDP is simpler.

CRDP Pay

- The retiree account statement (pay stub) reflects the amount of CRDP. This CRDP amount is actually the amount of pay the veteran is not being docked by a VA waiver. The CRDP amount is how much retired pay has been restored due to the CRDP program.

CRDP Pay

WITH CRDP — TWO PAYMENTS

Service Retired Pay

Full taxable pay without a VA waiver

VA Disability Compensation

Full tax-free VA compensation

Considerations

“I get VA disability compensation [or service retired pay], but I don’t get CRSC/CRDP.”

CRDP/CRSC is a restoration of service retired pay that is being docked by the VA waiver. You have to be receiving both service retired pay and VA disability compensation at the same time. Some members are receiving only one form of pay and as a result are not eligible for CRDP/CRSC. You have to be denied service retired pay through a VA waiver before your pay can be restored by CRDP/CRSC.

Considerations

“I’m told CRSC is always a better payment than CRDP.”

Not so. As previously noted, CRSC is limited to combat injuries, which can be a significant limiting factor on the amount paid. CRSC recipients continue to have a VA waiver in their retired pay for the full amount of their VA compensation. Because CRSC is tax-free and CRDP is taxable, some people assume CRSC is the better payment. The combat-related nature of CRSC is the basis behind its tax-free status.

Considerations

How much compensation will I receive?

CRDP is the elimination of the VA waiver from service retired pay. CRDP is equal to your VA compensation amount. It is not a separate payment. CRDP was phased in over a 10-year period that began in 2004. Since 2014, the VA waiver has been eliminated for all CRDP eligibles. The VA waiver gradually was eliminated from your retired pay so that as of 2014, all 20-plus years of service disabled retirees with 50 percent or greater VA ratings are entitled to full military retired pay and VA disability compensation.

Considerations

How is CRDP paid?

CRDP is the elimination of the VA waiver from your service retired pay. CRDP payees receive two payments: One is your VA compensation, and one is your service retired pay without a VA waiver.

Considerations

Will CRDP take into account dependent compensation?

Allowances for dependents are included when calculating the amount of increase in retired pay you will receive for a given year.

Considerations

Will CRDP take into account Special Monthly Compensation (SMC)?

SMC is included in calculating your overall compensation.

Considerations

I received a disability retirement from my military service after 20 years of active duty. Does this affect my compensation?

You still will be eligible for CRDP, but you could continue to have a VA waiver in your retired pay.

Considerations

Are guardmembers and reservists eligible for CRDP?

- *Yes, all reservists and National Guard members receiving longevity retirement.*
- *20 “good years” for retirement purposes are eligible for CRDP.*
- *Gray-area retirees become eligible for CRDP at age 60, when they begin to receive retired pay.*

Considerations

Are Chapter 61 retirees (medical retirees) with less than 20 years eligible?

No. MOAA continues to fight for CRDP for medical retirees with less than 20 years. Chapter 61 retirees with less than 20 years may be eligible for CRSC.

Considerations

Are surviving spouses eligible?

CRDP does not apply to survivors. CRDP is a program to restore servicemembers' retired pay.

Considerations

Are former spouses eligible?

CRDP restores retired pay, and under the Uniformed Services Former Spouses' Protection Act (USFSPA), retired pay is considered marital property subject to division in a divorce. Therefore, former spouses who have been awarded a portion of a servicemember's retired pay should receive an increase in their portion as the member's retired pay is increased under CRDP.

Considerations

When will my compensation begin?

CRDP is added automatically to the monthly retired paychecks of eligible retirees.

Considerations

Will the pay be retroactive?

All compensation will be retroactive to the date you became eligible for CRDP. Retroactive payments for CRDP can be retroactive back to Jan. 1, 2004.



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Military Sexual Trauma (MST)

Introduction



Background

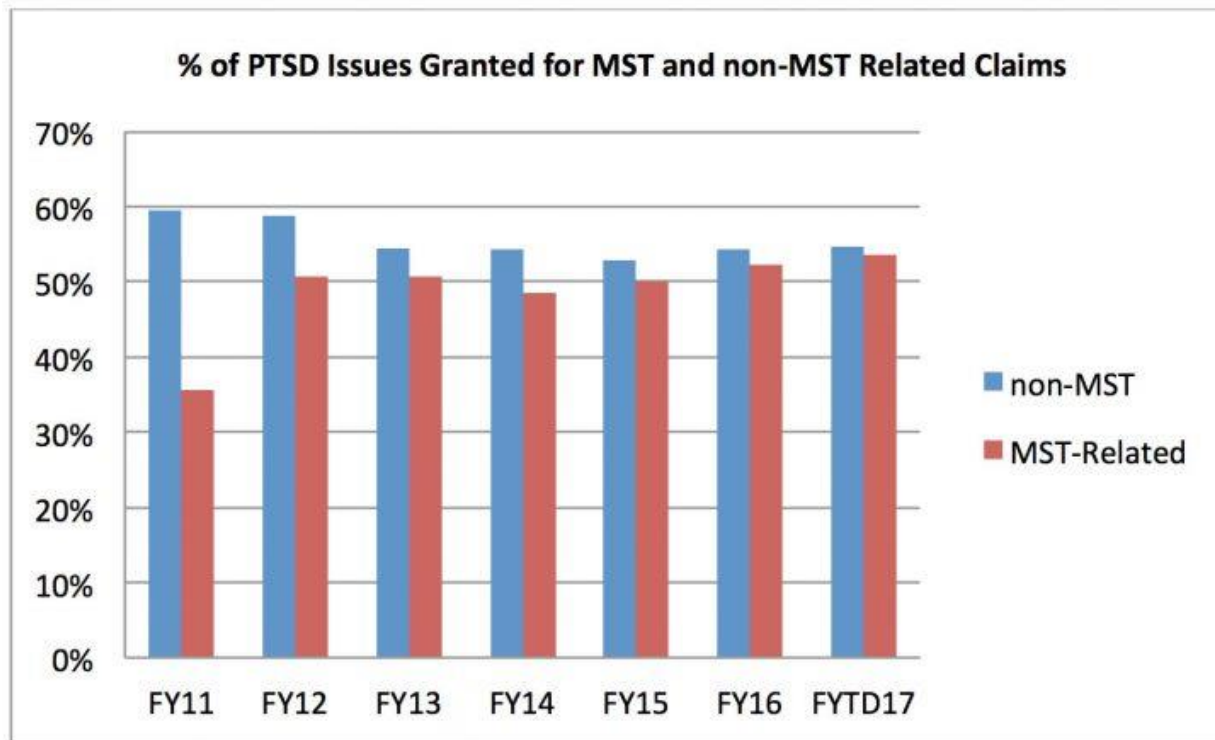
Due to increased awareness of this problem and the challenges of providing corroborating evidence in many cases, VA has taken a number of steps over the years to better serve MST survivors applying for disability compensation for conditions caused by MST, beginning with relaxing evidentiary standards in 2002.

Additional Response

- In response to an identified gap in the percent of claims granted for PTSD caused by MST compared to other causes, such as combat-related PTSD, additional changes were made. These include conducting special training for VA regional office personnel who process MST-related claims beginning in 2011 and offering specialized training to medical examiners who provide input on these cases in 2012.

Effectiveness?

- How effective have those efforts been? The table below shows the percent of PTSD issues granted for MST-related and non-MST related claims.



Facts

- As more and more women have entered the military, awareness of sexual harassment, sexual assault, and rape occurring in service has increased.
- Relatedly, the number of claims for PTSD resulting from Military Sexual Trauma (MST) – sexual activity where a servicemember is involved against his or her will — has risen significantly over the past several decades.

Facts

- As the Department of Defense (DoD) and the Department of Veterans Affairs (VA) began to respond to the increase in these claims, they realized that many male servicemembers and veterans (not just women) were survivors of in-service MST as well.
- According to the Veterans Health Administration, about 1 in 4 women and 1 in 100 men (that use VA healthcare) report that they have experienced an in-service MST event

Difficult to Discuss

- Because sexual assault is such a personal, sensitive, and potentially overwhelming experience, it is often difficult (or even impossible) for an MST survivor to report or document the event when it happens.

MST Defined

- More formally, VA defines Military Sexual Trauma as “psychological trauma, which in the judgment of a mental health professional employed by the Department, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty or active duty for training.”

Examples of MST

- The veteran may have been pressured into sexual activities (for example, with threats of negative consequences for refusing to be sexually cooperative or with implied better treatment in exchange for sex),
- May have been unable to consent to sexual activities (for example, when intoxicated), or
- May have been physically forced into sexual activities.
- Other experiences that fall into the category of MST include unwanted sexual touching or grabbing; threatening, offensive remarks about a person's body or sexual activities; and threatening and unwelcome sexual advances.

Key Points

- The identity or characteristics of the perpetrator do not matter. So, when applying for service connection, it doesn't (legally) matter whether the perpetrator was a servicemember (of any rank) or a civilian, a male or a female, etc.
- Whether the servicemember was on or off duty at the time does not matter.
- And whether he or she was on or off base at the time does not matter.
- If the servicemember experienced sexual trauma while on active duty, active duty for training, or inactive duty for training, they are considered by VA to have experienced MST.

Service-Connection

In general, service connection for PTSD requires:

- A medical diagnosis of PTSD;
- Credible supporting evidence that the claimed in-service “stressor” (the event that caused the PTSD) occurred; and
- A link, established by medical evidence, between current PTSD symptoms and the in-service stressor.
- In the case of PTSD resulting from MST, the “stressor” would be the event in which the veteran was sexually harassed, sexually assaulted, or raped.

Establishing a Stressor

- As mentioned, finding “credible supporting evidence” that the stressor (e.g. the MST event) occurred is often more difficult in MST cases because of the difficulty of reporting MST events.
- But establishing a stressor is very important in MST-related PTSD claims—not only because a confirmed stressor is necessary for granting service connection (and thus compensation), but also because a plausible stressor is necessary for VA to even order a Compensation and Pension exam (C&P exam) for the veteran

Markers & Potential Evidence

- The term marker refers to signs, events, or circumstances (in the available evidence) that indicate a possibility that the claimed stressor occurred (such as reports, lay statements, or behavioral changes) and that may be associated with the approximate timeframe of the claimed stressor. According to VA's standard training on MST-related claims, any marker appearing during the approximate timeframe of the MST stressor should be sufficient to go forward with scheduling a C&P examination

Records

- Law enforcement authorities,
- Rape crisis centers,
- Mental health counseling centers,
- Hospitals,
- Physicians,
- Pregnancy tests,
- Tests for sexually transmitted diseases,
- Statements from:
 - Family members,
 - Roommates,
 - Fellow service members,
 - Clergy members.

Lay Statements

- Lay statements – written statements from non-experts – can be very useful in PTSD due to MST claims if they are credible and relevant to the case. VA law (see list above) includes statements from family members, roommates, fellow service members, and clergy members as potential sources of evidence/markers. Veterans are not limited to these sources either.

Behavior Changes

In the relevant VA law, manifestations of behavior changes include, but are not limited to:

- Requests for transfer to another military duty assignment,
- Deterioration in work performance,
- Substance abuse,
- Episodes of depression, panic attacks, or anxiety without an identifiable cause,
- Unexplained economic or social behavior changes.

Re-Evaluations for Pre-Dec. 2011 Claims

- VA's failure to follow the liberalized standards for MST-related claims resulted in special training beginning in December 2011. They re-trained all VA regional office personnel who process MST-related claims and the mental health clinicians conducting the examinations related to these claims. The (ongoing) training focuses on getting VA officials to recognize "markers" that support the claim instead of looking for direct, objective evidence that the stressor occurred.

New Evidence for Re-evaluations

- VA will accept new evidence to be reviewed when a claim is re-evaluated. It's best to send any new evidence at the same time as you request a re-evaluation. MST specialists and/or Women Veterans Coordinators (there's one at every VA regional office), can help you determine what type of information is best to submit.



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Networking and Collaboration

Introduction

This class will invite participants to correspond effectively by:

- Identifying self-management tools
- Demonstrating effective communication tactics
- Discussing methods of networking with internal and external partners

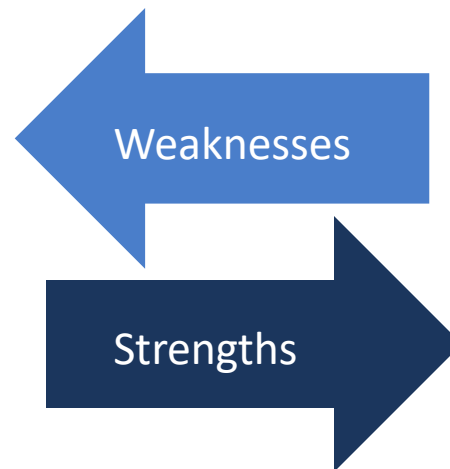
Networking BINGO



Self-Management

To be able to control ones own behavior by actively working to improve strengths and build upon weaknesses.

- Identify your own strengths and weaknesses.
- In what ways can these be positively impacted while working?



Self-Management Behaviors

- Identifies personal and professional opportunities for improvement
- Networks with personnel to establish rapport
- Continuously adapts to changes
- Pursues training and other educational opportunities
- Embraces challenges with a positive attitude
- Maintains accountability of oneself

Communication Tactics



- Respect
- Inspire
- Engage
- Influence

Importance of Networking

Networking is interacting with people by exchanging information and building relationships that could potentially influence and further ones career.

- Be willing to share experiences and knowledge
- Build ongoing relationships - TEAM
- Maintain contact

Do NOT pass out resumes, use people, or be self-centered.

Building Relationships

- Introduce yourself
- Have an abundance mentality
- Attain goals while focusing on the mission
- Remain open-minded to ideas
- Utilize resources
- Brings solutions and not just problems

Behaviors

- Strives to improve ones abilities and knowledge
- Continuously seeks opportunities and embraces change
- Networks with partners to stay informed
- Takes initiative of opportunities that allow one to advance skills and experience

Conclusion

- Self-management is essential to controlling ones behavior
- Networking is more than exchanging information, its about building relationships

TEAMWORK
coming together is a beginning
keeping together is progress
working together is success

- Henry Ford

Review Course Objectives

This class has allowed participants to understand the importance of self-management and networking by:

- Identifying self-management tools
- Demonstrating effective communication tactics
- Discussing methods of networking with internal and external partners



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VA Adjudication Procedures Manual

Introduction

- In 2015, the Department of Veterans Affairs (VA) overhauled its M21-1, the guidebook that dictates the policies and guidance of VA claims processing. The new manual is for veteran advocate groups and veterans who have an interest in keeping abreast with VA laws and regulations. Now called Live Manual, this latest version of the M21-1, Adjudication Procedures Manual is available to everyone through the KnowVA Knowledge database.

Who Uses It?

- Regional Office
- TDVS Appeals Division
- You!

Why Should I Use It?

- The adjudication manual is the guidance that VA's regional office staff, who are not attorneys, use to process the claims and correspondence filed by claimants. By using this manual regularly to understand how VA employees treat, react to, and handle the claims we file, the Veteran will be better served!

Purpose

- Live Manual was created by and for VBA employees to make information easier to find, helping employees to process claims for compensation, pension and burial benefits accurately and timely for the benefit of Veterans and survivors.

Purpose

- It is user friendly – and because it is a single resource – it significantly reduces time when researching laws and procedural guidance. The final product leverages industry best practices for knowledge management across large dispersed organizations.

Interesting Fact

- Creating the Live Manual required evaluation and integration of more than 4,500 individual pieces of published guidance as well as a thorough review of approximately 6,000 pages of existing M21-1 guidance.

How Does It Work?



How to Logon?

Link Provided Below:

- https://www.knowva.ebenefits.va.gov/system/templates/selfservice/va_ssnew/help/customer/locale/en-US/portal/554400000001018/topic/554400000004049/M21-1-Adjudication-Procedures-Manual

Three Great Tools

- Search Engine
- VA Changes By Date
- VA Memo of Major Changes

Search within this topic

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- 📁 Part 04 (Part IV). Compensation, DIC, and Death Co...
- 📁 Part 05 (Part V). Pension and Parents Dependency a...
- 📁 Part 06 (Part VI). Chapter 18 Benefits
- 📁 Part 07 (Part VII). Burial Benefits
- 📁 Part 08 (Part VIII). Accrued Benefits
- 📁 Part 09 (Part IX). Ancillary and Special Benefits
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Email Updates

- Allows you to receive updates whenever changes are made to the Live Manual.
- Once subscribed you will receive an option to subscribe to other VA and DoD email threads.
- All of these subscriptions are optional.

VA Changes By Date

- Changes date back to 2016.
- Changes are listed by month and date.
- Changes include a description of the update.



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VA Memo of Major Changes

- Changes date back to 2015.
- Provide in-depth analysis of changes and rules applied..



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Current Status

- You can determine the date of updates by scrolling to the bottom of the page of the selected link.

Related Articles

M21-1, Part III, Subpart ii, Chapter 1, Section C - Initial Screening Policies

Updated Jan 18, 2018

M21-1, Part III, Subpart ii, Chapter 1, Section B - Mail Management

Updated Feb 07, 2018

M21-1, Part III, Subpart ii, Chapter 1, Section E - Centralized Mail (CM) Intake

Updated Jan 17, 2018

M21-1, Part III, Subpart ii, Chapter 1, Section F - Veterans Claims Intake Program (VCIP) Shipping

Updated Sep 29, 2017

M21-1, Part III, Subpart ii, Chapter 1, Section D - Claims That Require Priority Processing

Updated Nov 09, 2017

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Overall Benefit

- The Live Manual is “Game Plan” for our jobs!
- It is an ever changing resource in a ever changing world of policy and law.



Other Benefits

- Gives guidance on specific actions required by the advocate and the VA.
- Gives guidance on checking certain requirements; such as signatures, basic eligibility, or character of discharge.
- Provides individual and group responsibilities.
- The most current change date.

Summary

QUESTION!