

COMMON QUESTIONS



What if I was previously denied for a condition or location that is now presumptive?

Contact your VSO to file a supplemental claim using VA Form 20-0995. VA will review your claim under the new law.

What if I have never filed a claim before?

Contact your VSO to file a claim using VA Form 21-526EZ. Be sure to give any supporting evidence to your representative so they may submit it with your claim.

Do I have to be enrolled in VA healthcare or in a toxin registry program to file a claim?

No. You do not need to be enrolled in VA healthcare or in a VA registry program to file for benefits, but your enrollment may help identify veterans who develop future presumptive conditions.

For more information on the VA Registry program, please visit: publichealth.va.gov/exposures/benefits/registry-evaluation.asp

Is there a deadline to file a PACT Act claim?

No. **However**, vets and survivors are encouraged to file **before Aug. 10, 2023**, to get the earliest possible effective date.

Does the PACT Act apply to dependents applying for DIC or other survivor benefits?

Yes. All new PACT Act presumptives apply to survivors seeking DIC, accrued benefits, or pension. Surviving dependents **no longer have to file for DIC within one year of death** for PACT Act claims to get the earliest effective date.



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PACT ACT GUIDANCE FOR VETERANS

**UNDERSTANDING
THE CHANGES
IN THE LAW**



FOR
**VIETNAM VETERANS
& SURVIVORS**

What is the *PACT Act*?

The Sgt. First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxics Act (PACT Act), was passed on August 10, 2022.

The *PACT Act* expands VA healthcare and benefits for veterans exposed to burn pits, toxic exposure, toxic exposure risk activity, and other toxic substances.

Radiation Exposure Presumptive Locations & Dates

Veterans who were called to respond to the clean-up and response missions below may be eligible for radiation exposure presumptives under the *PACT Act*:

RESPONSE EFFORT	DATES
Clean-up of Enewetak Atoll	Jan. 1, 1977 - Dec. 31, 1980
Clean-up of the Air Force B-52 bomber carrying nuclear weapons off the coast of Palomares, Spain	Jan. 17, 1966 - Mar. 31, 1967
Response to the fire on board an Air Force B-52 bomber carrying nuclear weapons near Thule Air Force Base in Greenland	Jan. 21, 1968 - Sep. 25, 1968

How Does the *PACT Act* Define Toxic Exposure Risk Activity (TERA)?

- Any activity that exposed servicemembers to occupational or environmentally hazardous substances during their military service, to include handling or disposing of chemicals, working around contaminated equipment, or being stationed near areas where toxic substances were used or stored;
- The activity must be reported in a registry maintained by VA; or
- An activity that the Secretary determines qualifies under the *PACT Act*.

Examinations & Medical Nexus Opinions for TERA

VA is required to provide a disability examination and medical nexus opinion for certain non-presumptive conditions, including TERA, when the veteran meets **four requirements**:

- Submits a claim for compensation;
- Has evidence of a disability;
- Has evidence of participation in a TERA;
- Such evidence is not sufficient to establish service connection for the disability.

Exception to this requirement:

When the Secretary determines there is no indication of an association between the claimed condition and the TERA for which the veteran submitted evidence.

Agent Orange (AO) Presumptives: New Locations & Conditions

AO exposure is now presumed for service during the Vietnam era in the following places:

LOCATION	DATES
THAILAND , at any US or Royal Thai Air base, regardless of MOS or location on the base	Jan. 9, 1962 - Jun. 30, 1976
LAOS	Dec. 1, 1965 - Sep. 30, 1969
CAMBODIA , at Mimot or Krek, Kampong Cham Province	Apr. 16 - 30, 1969
GUAM or AMERICAN SAMOA , or their territorial waters	Jan. 9, 1962 - Jul. 31, 1980
JOHNSTON ATOLL , or aboard a ship that called there	Jan. 1, 1972 - Sep. 30, 1977

The new **AO presumptive conditions** are:

- Hypertension (high blood pressure)
- Monoclonal Gammopathy of Undetermined Significance (MGUS)

The earliest effective date for these conditions is **Aug. 10, 2022**, if a veteran files before **Aug. 10, 2023**. Otherwise, it is the date VA received the claim. **Only DIC claimants can receive retroactive pay pre-Aug. 2022.**

0% RATINGS FOR HYPERTENSION

Unfortunately, current law requires VA to consider use of blood pressure medication when rating hypertension. This is why many veterans are receiving a 0% rating. **Contact a VSO** to file an increase or secondary service connection claim if your condition worsens.

