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Item ID Number 04978

Not Scanned

Author

Corporate Author Veterans Administration, Department of Veterans Benefi

Report/Article Title Review of Agent Orange Exposure Claimants

Journal/Book Title

Year 1982

Month/Day January 4

Color

Number of Images 0

Descriptan Notes DVB Circular 21-80-1, revised

REVIEW OF AGENT ORANGE EXPOSURE CLAIMANTS

1. Purpose. This issue specifies those conditions under which claims for disabilities due to exposure to Agent Orange will be reviewed.

2. General. The claims of a number of veterans who have alleged disabilities due to Agent Orange have been denied because of the lack of evidence showing the existence of a disability attributable to exposure to that chemical.

3. Procedures. In most instances, these veterans have not submitted medical evidence in support of their claims for Agent Orange induced disease nor have they undergone an examination at one of the VA medical centers to determine the existence of a disease due to Agent Orange. In the absence of such evidence and because the probability of a valid claim has not otherwise been shown in these claims, there is no authority for Adjudication to request an examination. (VAR 1326)

a. As claims are encountered in which the veteran is claiming exposure to Agent Orange, the information pertaining to availability of hospital examination and treatment under DM&S Circulars [10-81-54 and 10-81-263] will be conveyed in the initial correspondence directed to the claimant. (See DVB Circular 21-79-6.)

b. The claims of those veterans [which] have previously been denied should be reviewed on a time-available basis. If there is an examination of record dealing with Agent Orange accomplished pursuant to a VA Form 21-2507, Request for Examination, or by a VA medical center under the DM&S Circulars at the request of the veteran, nothing more need be done. If there is no such examination, the veteran will be informed of the hospital examination and treatment program available at the closest VA health facility.

c. Veterans should also be informed that if they undergo an examination at one of the VA health facilities, they should inform the office having jurisdiction of their claims folder and that we will request a report of that examination for rating purposes, and that they will be advised of the decision and the action taken on their claims.

d. In those instances when the veteran alleges Agent Orange exposure only, all available service clinical and treatment records should be obtained and reviewed by the rating board for any indication of service-connectable disability.

e. Those offices which have not maintained a register of Agent Orange claims should advise the Director, Compensation and Pension Service (211C) and a list of veterans by name and file number will be furnished.

January 4, 1982

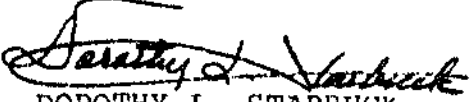
4. Policy Regarding Allegation of Exposure. It is VA policy to resolve any reasonable doubt in favor of the claimant. Consistent with this policy, given the considerable uncertainties as to the deposition of defoliants in Southeast Asia and troop positions at pertinent times, we will accept in the absence of [affirmative] evidence to the contrary a Vietnam veteran's contention of exposure.

a. In the course of the review being conducted under this circular, claims should be identified where the policy cited above was not applied. If there is [affirmative] evidence that a veteran could not have been exposed, [] such facts should be cited. Otherwise it will be assumed that the veteran was exposed to defoliants as alleged and the claim for service connection will be resolved on the basis of the relationship of the disability in question to such exposure.

b. Copies of favorably amended rating decisions will be submitted to Director, Compensation and Pension Service (211C).

5. Release of Pamphlet "Worried About Agent Orange?" Whenever a claim for any condition attributed by a veteran to Agent Orange exposure is denied, a copy of this pamphlet will be furnished to the claimant. This pamphlet will also be sent to persons seeking information about Agent Orange and its effects.

6. RESCISSIONS: DVB Circular 21-80-1, dated February 7, 1980, and changes 1 and 2.


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