

# 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](https://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.



## CONTACT US



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[vva.org](https://vva.org)



Photo: USMC/Alfred Lopez

# PACT ACT GUIDANCE FOR VETERANS

## UNDERSTANDING THE CHANGES IN THE LAW



FOR  
**GULF WAR  
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.

## Gulf War Changes



### NEW LOCATIONS

Persian Gulf War veteran status now includes service in the following places **on or after August 2, 1990: Afghanistan, Israel, Egypt, Turkey, Syria, and Jordan.**



### NO TIME RESTRICTION

Gulf War vets may now be eligible for benefits if symptoms of an undiagnosed illness or chronic multi-symptom illness manifest **to any degree at any time.**



### NEW DBQ FORM

If a Gulf War veteran goes to a VA medical facility with **any one symptom** associated with Gulf War Illness, VA staff **must complete** a disability benefits questionnaire designed to identify Gulf War Illness.

## 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.

## What Are The New 20+ Burn Pit Or Toxic Exposure Presumptives\* Under The *PACT Act*?

- Brain cancer
- Glioblastoma
- Respiratory (breathing-related) cancer of any type
- Gastrointestinal cancer of any type
- Head cancer of any type
- Lymphoma of any type
- Lymphatic cancer of any type
- Neck cancer
- Pancreatic cancer
- Reproductive cancer of any type
- Kidney cancer
- Melanoma
- Asthma (diagnosed after service)
- Chronic rhinitis
- Chronic sinusitis
- Constrictive bronchiolitis or obliterative bronchiolitis
- Emphysema
- Granulomatous disease
- Interstitial lung disease (ILD)
- Pleuritis
- Pulmonary fibrosis
- Sarcoidosis
- Chronic bronchitis
- Chronic obstructive pulmonary disease (COPD)

\*These apply to **“covered veterans,”** who have had active military, naval, air, or space service while assigned to a duty station in:

**Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, Somalia, or UAE** on or after Aug. 2, 1990,

**Afghanistan, Djibouti, Egypt, Jordan, Lebanon, Syria, Uzbekistan or Yemen** on or after Sep. 11, 2001.