### Section C. Claims for Service Connection (SC) for Disabilities Resulting From Ionizing Radiation Exposure Under 38 CFR 3.311

#### Overview

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| In This Section | This section contains the following topics: |

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| Topic | Topic Name |
| 1 | General Information on Claims for SC for Disabilities Resulting From Ionizing Radiation Exposure Under 38 CFR 3.311 |
| 2 | Developing Claims for SC for Disabilities Resulting From Ionizing Radiation Exposure Under 38 CFR 3.311 |
| 3 | Verification of Exposure to Ionizing Radiation Under 38 CFR 3.311 |
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| 5 | Referring Claims to Compensation Service, Policy Staff (211B) |
| 6 | Exhibit 1: Exposure to Nuclear Radiation and Department of Defense (DoD) Secrecy Agreement |

#### 1. General Information on Claims for SC for Disabilities Resulting From Ionizing Radiation Exposure Under 38 CFR 3.311

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| Introduction | This topic contains general information on claims for disabilities resulting from ionizing radiation exposure under [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8), including* the provisions of [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8)
* presumptive versus direct SC
* handling
* claims that require a subsequent review under *Public Law* (*PL) 98-542*,
* claims that require a subsequent review based on dose estimates made before May 8, 2003, and
* the classified information needed to validate exposure to nuclear radiation, and
* Department of Veterans Affairs (VA) responsibility for expunging classified military data.
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| Change Date | June 3, 2015 |

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| a. Provisions of 38 CFR 3.311 | The specific requirements for the adjudication of claims for service connection (SC) for disabilities resulting from exposure to ionizing radiation claims are found in [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8).The provisions of [38 CFR 3.311(b)(1)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8) require that the * Veteran must have been exposed to ionizing radiation as a result of participation in
* atmospheric testing of nuclear weapons
* the occupation of Hiroshima or Nagasaki, Japan from September 1945 until July 1946, or
* other radiation-risk activities as claimed
* Veteran must have subsequently developed a radiogenic disease listed in [38 CFR 3.311(b)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8), and
* disease first manifested itself within the period specified in [38 CFR 3.311(b)(5).](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8)

***Important***: If a listed cancer is a metastasis of a primary cancer that has not been service-connected (SC) on the basis of exposure to ionizing radiation under the provisions of [38 CFR 3.309(d)](http://www.ecfr.gov/cgi-bin/text-idx?SID=71bcb7bc0http://www.ecfr.gov/cgi-bin/text-idx?SID=71bcb7bc037a071b95ac0b722d09cf3c&mc=true&node=se38.1.3_1309&rgn=div837a071b95ac0b722d09cf3c&mc=true&node=se38.1.3_1309&rgn=div8) or [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8), then SC cannot be awarded. |

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| b. Presumptive Versus Direct SC | If a claimant files a claim for SC under the provisions of [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8), the claims processor must also consider the claim for SC under the provisions of [38 CFR 3.303](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=8&SID=d969426c79676b833a5f2858e99391a3&ty=HTML&h=L&r=SECTION&n=se38.1.3_1303). |

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| c. Handling Claims That Require a Subsequent Review Under PL 98-542 | On October 24, 1984, *Public Law (PL) 98-542*, “*The Veterans’ Dioxin and Radiation Exposure Compensation Standards Act*” was placed into law to address disabilities resulting from exposure to radiation as an atmospheric test participant or a member of the Hiroshima/Nagasaki occupation forces. If the claimant was denied prior to the enactment of *PL 98-542*, the claims processor must complete a *de novo* review of the evidence to determine if the claim can be subsequently reopened. ***Note***: It is not necessary for the claimant to submit new and material evidence to reopen these claims. ***Reference***: For more information on developing reopened claims for compensation based on radiation exposure, see * M21-1, Part IV, Subpart ii, 1.B.2, and
* M21-1, Part IV, Subpart ii, 1.C.2.
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| d. Handling Claims That Require a Subsequent Review Based on Dose Estimates Made Before May 8, 2003  | On May 8, 2003, the National Research Council, an independent agency contracted to review the Defense Threat Reduction Agency’s (DTRA) radiation dose estimates, reported that DTRA had underestimated upper bound radiation doses for atmospheric test participants and Hiroshima/Nagasaki occupation forces.When a claim was previously denied based on a dose estimate provided by DTRA before May 8, 2003, obtain a new dose estimate from DTRA and readjudicate the claim.***Note***: It is not necessary for the claimant to submit new and material evidence to reopen these claims.***Reference***: For more information on developing dose estimates, see M21-1, Part IV, Subpart ii, 1.C.4. |

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| e. Handling Classified Information Needed to Validate Exposure to Nuclear Radiation  | Veterans seeking benefits in connection with exposure to nuclear radiation are authorized by the *Exposure to Nuclear Radiation and Department of Defense (DoD) Secrecy Agreement* to divulge to the Department of Veterans Affairs (VA) the * name
* location of their command
* duties performed
* dates of service, and
* related information necessary to validate exposure to nuclear radiation.

This authorization does *not* relieve Veterans of responsibility for continuing to protect specific technical information that could contribute to the development of a weapon of mass destruction or the application of nuclear technology. ***Important***: Veterans must refrain from divulging information relative to military bases where nuclear weapons* may be located within the continental United States (U.S.), which is classified as “Confidential,” and
* were or are located outside the continental U.S., which is classified as “Secret” or “Top Secret.”

***References***: For more information on * the *Exposure to Nuclear Radiation and DoD Secrecy Agreement*, see M21-1, Part IV, Subpart ii, 1.C.6, and
* claims for radiogenic diseases under [38 CFR 3.309(d)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=8&SID=d969426c79676b833a5f2858e99391a3&ty=HTML&h=L&r=SECTION&n=se38.1.3_1309), see M21-1, Part IV, Subpart ii, 1.B.2.
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| f. VA Responsibility for Expunging Classified Military Data | The fact that a Veteran inadvertently reveals classified military information during the course of applying for benefits should not be compounded further by releasing this information within or outside VA in any manner. Cut out (rather than obliterate) any classified information from related documents or statements.When expungement is necessary, follow the steps in the table below to properly remove the classified information.  |

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| **Step** | **Action** |
| 1 | Prepare a *VA Form 27-0820*, *Report of General Information*, for the claims folder and have the form signed by the Veterans Service Center Manager (VSCM), Pension Management Center Manager (PMCM), or supervisory designee, not lower than the Assistant VSCM or PMCM. On the *VA Form 27-0820** cite the
* kind of evidence removed, and
* reason for the record expungement, and
* summarize or restate any other expunged facts or statements not referring to specific military bases where radiation exposure allegedly occurred.
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| 2 | Once approved, redact the classified information.***Reference***: For more information on redacting adobe documents, see the [*Adobe Acrobat XI Pro Quick Start Guide*](http://wwwimages.adobe.com/content/dam/Adobe/en/products/acrobat/pdfs/adobe-acrobat-xi-pdf-redaction-remove-visible-data-from-pdf-files-tutorial-ue.pdf). |
| 3 | Place the redacted document(s) and *VA Form 27-0820* in the claims folder. |
| 4 | Mark the document(s) containing classified information for deletion.***Note***: When redacting classified information in a Veterans Benefits Management System (VBMS) claims folder follow the instructions in the [*VBMS User Guide*](http://vbaw.vba.va.gov/VBMS/Resources_Technical_Information.asp). |

#### 2. Developing Claims for SC for Disabilities Resulting From Ionizing Radiation Exposure Under 38 CFR 3.311

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| Introduction | This topic contains information on developing claims for SC for disabilities resulting from ionizing radiation exposure under 38 CFR 3.311, including* centralized processing of claims based on radiation exposure
* procedures for transferring radiation claims
* criteria to consider before beginning development of an ionizing radiation disability
* when to obtain information
* requesting a diagnosis of the Veteran’s disease
* requesting a history of the Veteran’s exposure to known carcinogens requesting a history of cancer in the Veteran’s family, and
* other medical information to obtain.
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| Change Date | January 5, 2016 |

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| **a.** **Centralized Processing of Claims Based on Radiation Exposure** | In October 2006, VA centralized the processing of all claims for SC based on radiation exposure at the Jackson Regional Office (RO), to include all claims for SC for disabilities resulting from exposure to ionizing radiation under [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=ea43937f027ad951f68dcb2d33eeaca5&mc=true&node=se38.1.3_1311&rgn=div8). When ROs receive a claim identifying exposure to radiation, the existence of a radiogenic disease must be confirmed prior to transferring the claim to the Jackson RO. Confirmation of the existence of a presumptive disease under [38 CFR 3.309(d)](http://www.ecfr.gov/cgi-bin/text-idx?SID=dd5c2a3a4d6377c0b256d722aeba0f25&node=se38.1.3_1309&rgn=div8) in a “radiation-exposed veteran” or of a “radiogenic disease” as defined in [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=dd5c2a3a4d6377c0b256d722aeba0f25&node=se38.1.3_1311&rgn=div8) is, generally, a medical diagnosis from a health care provider.All folders with pending radiation claims must be transferred to the Jackson RO after the radiogenic disease is confirmed. ***Important***: * The station of origination (SOO) is responsible for noting the following in the claims folder
* *no development accomplished*
* *partial/complete development – request not sent to DTRA*
* *development completed - request sent to DTRA*, or
* *pending opinion from Compensation Service*.
* Appeals from radiation determinations, including remanded appeals, are processed by the SOO.

***References***: For more information on * the criteria to consider before beginning development of an ionizing radiation claim, see M21-1, Part IV, Subpart ii,1.C.2.c, and
* jurisdiction over radiation claims and appeals, see
* M21-1, Part III, Subpart ii, 5.A.1.b
* M21-1, Part IV, Subpart ii, 1.B.2.a, and
* M21-1, Part I, 5.G.3.b.
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| **b. Procedures for Transferring Radiation Claims** | After it has been determined that a radiation claim is ready to be transferred to the Jackson RO, the SOO must leave the rating end product (EP) pending, as well as all other EPs *not* related to the radiation claim. The Jackson RO will have jurisdiction of all non-radiation-related claims while processing the radiation issues. Upon receipt of the claim, the Jackson RO will* accept the transfer through Control of Veterans Records System (COVERS)
* review the case to determine the status of the radiation claim and any other pending claim, and
* establish an EP 682 for control and identification of the radiation claim, using the same date of claim as the concurrent rating EP.

***Note***: Both the rating EP and EP 682 will be cleared by the Jackson RO upon completion of the radiation claim.***Reference***: For more information on transferring of electronic claims and electronic claims folders (eFolders), see M21-1, Part III, Subpart ii, 5.G. |

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| c. Criteria to Consider Before Beginning Development of an Ionizing Radiation Disability | If a claim is received for SC for a disability caused by exposure to ionizing radiation *and* the claim is substantially complete, the development activity reviews the claim to* determine whether SC may be established under
* [38 CFR 3.303](http://www.ecfr.gov/cgi-bin/text-idx?SID=ea43937f027ad951f68dcb2d33eeaca5&mc=true&node=se38.1.3_1303&rgn=div8), or
* [38 CFR 3.309(d)](http://www.ecfr.gov/cgi-bin/text-idx?SID=dd5c2a3a4d6377c0b256d722aeba0f25&node=se38.1.3_1309&rgn=div8), and
* determine whether the requirements for consideration of SC under [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8) are satisfied.

Under [38 CFR 3.311(b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8), the submitted or acquired evidence must show that the Veteran * has either
* one of the radiogenic diseases listed in [38 CFR 3.311(b)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8)
* a death certificate signed by a physician listing cause of death as a disease specific to radiation exposure under [38 CFR 3.309(d)](http://www.ecfr.gov/cgi-bin/text-idx?SID=dd5c2a3a4d6377c0b256d722aeba0f25&node=se38.1.3_1309&rgn=div8) or radiogenic disease under [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=dd5c2a3a4d6377c0b256d722aeba0f25&node=se38.1.3_1311&rgn=div8),or
* an unlisted disease for which a medical opinion or medical treatise has been submitted showing a causal relationship between the disease and exposure to radiation, and
* was exposed to ionizing radiation
* while a participant in atmospheric nuclear weapons testing
* during the post-war occupation of Hiroshima or Nagasaki from September 1945 until July 1946
* as a former prisoner of war (FPOW) in Japan, or
* while performing other service activities, such as work as an x-ray technician, in a reactor plant, or in nuclear medicine or radiography.

***Note***: A Veteran will be considered involved in a radiation-risk activity if he/she performed tasks similar to work engaged in by a Department of Energy (DoE) employee that qualifies the DoE employee as a member of the Special Exposure Cohort under [42 U.S.C. 7384l(14)](http://www.law.cornell.edu/uscode/text/42/7384l). |

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| d. When to Obtain Information | In all cases, *if* a substantially complete claim under [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8) exists, obtain the information listed in M21-1, Part IV, Subpart ii, 1.C.2.e through g.  |

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| e. Requesting a Diagnosis of the Disease | Obtain information on the diagnosis of the Veteran’s disease and, if known, the specific cell type and stage. ***Example***: If the disease is skin cancer, ask the claimant to provide the * type of cancer diagnosed
* specific site of each lesion
* date that the disease was first diagnosed or treated, and
* name and address of the physician or facility who
* made the diagnosis, or
* first treated the claimed disease.
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| f. Requesting a History of the Veteran’s Exposure to Known Carcinogens | The VA may seek a referral from an outside consultant to ensure the Veteran’s disease(s) resulted from radiation exposure in service.Obtain information on the Veteran’s history of exposure to known carcinogens, to include asking the Veteran to identify* the specific cell type and stage of the disease, if known
* when the disease first manifest
* the circumstance and date of the Veteran’s exposure
* post-service occupational history
* pertinent family history
* smoking history
* evidence of any other effects radiation exposure may have had on the Veteran, and
* any other information relevant to determination of causation of the Veteran’s disease.

***Notes***:* If the claim is for skin cancer, ask the claimant to provide the
* extent of exposure to the sun (such as sun bathing or occupations requiring the Veteran to work outdoors, and so forth), and
* specific site of each lesion.
* When obtaining family history, ask the Veteran whether his immediate family, such as parents or siblings, have been diagnosed with diseases such as cancer or leukemia, birth defects, or genetic disorders.
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| g. Other Medical Information to Obtain | To obtain evidence that demonstrates continuity and symptomatology of the claimed disease(s), request the claimant provide * the names and addresses of any physicians and facilities who have made subsequent diagnoses or have provided treatment for the claimed disease
* clinical records (not summaries) for all medical care relating to the claimed disease, and
* all tissue blocks, slides or other pathology samples, if available.

***Note***: If the claimant asks for VA’s assistance in obtaining private clinicalrecords, VA must request the claimant to authorize the release of theserecords by completing and signing *VA Form 21-4142*, *Authorization to Disclose Information to VA*, and/or *VA Form 21-4142a*, *General Release for Medical Provider Information to VA*.***Reference***: For more information on *VA Forms 21-4142* and *21-4142a*, see M21-1 Part III, Subpart iii, 1.C.3. |

#### 3. Verification of Exposure to Ionizing Radiation Under 38 CFR 3.311

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| Introduction | This topic contains information on the process of verifying exposure to ionizing radiation under 38 CFR 3.311, including* requesting verification of
* participation in atmospheric nuclear weapons tests
* participation in the American occupation of Hiroshima or Nagasaki prior to July 1, 1946
* involvement in non-U.S. nuclear bomb tests
* exposure to radiation in Japan following March 2011 earthquake and tsunami, and
* exposure to ionizing radiation by reason of military duties, and
* obtaining records of occupational exposure to radiation from the
* Veteran’s service department
* Atomic Energy Commission (AEC), and
* U.S. Army Public Health Command (USAPHC), and
* developing claims for SC based on nasopharyngeal radium irradiation (NRI) therapy.
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| Change Date | December 4, 2015 |

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| a. Requesting Verification of Participation in Atmospheric Nuclear Weapons Tests | When requesting verification from DTRA of exposure to ionizing radiation due to the Veteran’s participation in an atmospheric nuclear weapons test, send a letter to DTRA that* specifies the
* disease being claimed (***Note***: If skin cancer is claimed, specify the site of each lesion, type of cancer, and date of diagnosis.)
* Veteran’s organization or unit of assignment at the time of exposure, and
* dates of assignment to the nuclear test site, and
* provides a full description of the Veteran’s duties and activities while participating in a radiation-risk activity.

The letter to DTRA should also include a copy of* all available pathology reports that identify the type of cancer and the organ involved, if the disease claimed is a listed radiogenic disease
* the medical or scientific evidence showing a causal relationship between the claimed disease and exposure to radiation, if the disease claimed is not among those listed in [38 CFR 3.311(b)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8), and
* the Veteran’s current address and phone number.
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| b. Requesting Verification of Participation in the American Occupation of Hiroshima or Nagasaki Prior to July 1, 1946 | When requesting verification from DTRA of exposure to ionizing radiation as a result of participation in the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, send a letter to DTRA that provides the following information* the organization or unit (ship, task group, company, or squadron) and rank at the time of exposure
* the duty place and organizational unit from which the Veteran may have been detailed, and
* the activities and length of time at ground zero (hypocenter).

The letter to DTRA should include a description from the claimant and from the service records of activities performed during the entire period of exposure including* whether or not the Veteran went ashore
* the length of time spent ashore, and
* the activities performed while ashore.

For FPOWs, also provide DTRA with the following information* the dates of confinement
* the places of confinement
* the date and place of liberation
* the date and method of departure from Japan, and
* the method of travel within Japan, since the method of travel, such as a specific train over a specific route, can provide critical information in confirming participation.

The letter to DTRA should also * specify the disease being claimed (***Note***: If skin cancer is claimed, specify the site of each lesion, type of cancer, and date of diagnosis.), and
* include
* available pathology reports that identify the type of cancer and the organ involved, if the disease claimed is a listed radiogenic disease, and/or
* the medical or scientific evidence showing a causal relationship between the claimed disease and exposure to radiation, if the disease is not among those listed under [38 CFR 3.311(b)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8).

***Important***: Information on the activities performed and the amount of time spent at ground zero (hypocenter) is critical in obtaining an accurate dose estimate. Recognition of an area can be critical in determining and verifying participation. |

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| c. Requesting Verification of Involvement in Non-U.S. Nuclear Bomb Tests | *PL 103-446* allows for a presumption of SC for the same radiogenic diseases, regardless of whether the Veteran participated in U.S or non-U.S. nuclear tests. Use the table below to obtain verification of a Veteran’s involvement in non-U.S. nuclear bomb tests. |

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| If requesting radiation dose information for … | Then contact … |
| non-U.S. test participants involved in flight missions | ***Address***:AFTAC/SEATTN: Ms. Joy Morris10989 S. Patrick DrivePatrick AFB, FL 32925-3002***Telephone***: (321) 494-3870***Fax***: (321) 494-2319***E-mail***: *belinda.morris@us.af.mil****Important***: The e-mail address is not encrypted, to prevent a security violation do not send out any personally identifiable information (PII) to this e-mail address. |
| all other non-U.S. test participants | the appropriate service department points of contact identified in M21-1, Part IV, Subpart ii, 1.C.3.f. |

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| ***Important***: DTRA is *not* responsible for responding to requests that involve non-U.S. test participants. These requests will be returned to the RO without a response. |

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| **d. Requesting Verification of Exposure to Radiation in Japan Following March 2011 Earthquake and Tsunami** | DoD established the Operation Tomodachi Registry (OTR) following the devastating March 11, 2011, earthquake and tsunami in Japan. These unfortunate events caused severe damage to the Fukushima Daiichi Nuclear Power Station, which resulted in the release of radiation into the environment.To obtain information on who is included in the registry, [*Contact OTR staff*](https://registry.csd.disa.mil/registryWeb/Registry/OperationTomodachi/DisplayContactForm.do). ***Important***: * When you complete the online form to contact the OTR staff, do not include any PII.
* Radiation dosage evidence found in the on-line registry must either be filed in the claims folder or uploaded into the eFolder and properly labeled. For example, “RAD dose assessments for prostate cancer claim.”
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| e. Requesting Verification of Exposure to Ionizing Radiation by Reason of Military Duties | For a claim based on exposure to ionizing radiation by reason of the nature of military duties, such as a radiologist or an x-ray technician, prepare a separate Personnel Information Exchange System (PIES) request to obtain a copy of the record of occupational exposure to ionizing radiation from the * Official Military Personnel File (OMPF)
* service treatment records (STRs), or
* any other record that contains radiation exposure information.

***Notes***: * The record of occupational exposure to ionizing radiation used by the service departments include
* *DD Form 1141, Record of Occupational Exposure to Ionizing Radiation*
* NAVMED 6470/10, *Record of Occupational Exposure to Ionizing Radiation*, and NAVMED 6470/11, *Record of Occupational Exposure to Ionizing Radiation From Internally Deposited Radionuclides*, for the Navy, and
* the equivalent *NRC Form 5*.
* Refer a request for information on human radiation experiments to the appropriate service department point of contact identified in M21-1, Part IV, Subpart ii, 1.C.3.f.
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| f. Obtaining Records of Occupational Exposure to Radiation From the Veteran’s Service Department | Each branch of service maintains a record of its service members’ occupational exposure to radiation. If evidence of occupational radiation exposure, such as a *DD Form 1141, NAVMED 6470/10*, *NAVMED 6470/11,* or *NRC Form 5,* cannot be found in the Veteran’s records or obtained through PIES, prepare a written request for the record. Include the identifying data as required by M21-1, Part IV, Subpart ii, 1.C.3.b in the request and send it to the appropriate service department. The table below lists the addresses and telephone numbers to use to obtain records of occupational exposure to radiation from each branch of service. |

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| Branch of Service | Address and Telephone Number |
| Air Force | ***Address***: Surgeon General of the Air ForceAir Force Medical Support Agency (AFMSA)ATTN: SG3PB (Radiation Health)David Cessor-Culver7700 Arlington Blvd Suite 5151Falls Church, VA 22042-5151***Telephone***: (703) 681-6946***E-mail***: *david.j.cessor-culver.ctr@mail.mil*  |
| Army  | ***Address***: US ARMY Dosimetry CenterATTN: AMSAM-TMD-SD (Courtney Smith) Building 5417Redstone Arsenal, AL 35898***Telephone***: * (256) 876-2412, and
* (210) 876-1786.

***Fax***: (256) 876-3816***E-mail***:*courtney.d.smith.civ@mail.mil* |
| Navy and Marine Corps | ***Address***:Naval Dosimetry Center ATTN: NARER Officer 8950 Brown Drive, Bldg 4, Room 4201Bethesda, MD 20889-5614***Telephone***: (301) 319-4927 |
| Coast Guard | ***Address***: CDR Gerald Taylor Commandant (CG-112), Occupational Medicine Physician 2703 Martin Luther King Jr Ave SEWashington, DC 20593-7902***Telephone***: (202) 475-5211 ***E-mail***: *gerald.n.taylor@uscg.mil*  |

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| ***Note***: The e-mail addresses listed above are not encrypted. To prevent a security violation do not send out any PII to the e-mail addresses. |

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| g. Obtaining Records of Occupational Exposure to Radiation From the AEC | There are instances where military personnel were assigned to the Atomic Energy Commission (AEC) laboratories during the testing period and badged by the AEC facility. Include a search of the DoE central records repository as a part of a comprehensive search for records of occupational exposure to radiation. Send requests for such a search to the following address***Address for records from 1945 through present only***: U.S. Department of EnergyNational Nuclear Security Administration – Nevada Site Office P.O. Box 98518Las Vegas, NV 89193-8518***Telephone***: (702) 295-3521***Address for records from 1987 to present***:U.S. Department of EnergyOffice of Health and Safety Stop AU-10/GTNATTN: Dr. Patricia Worthington 1000 Independence Ave SWWashington, DC 20585***Telephone***: (301) 903-5926 |

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| **h. Obtaining Records of Occupational Exposure to Radiation From the USAPHC**  | The U.S. Army Public Health Command (USAPHC) military exposure surveillance library documents occupational and environmental exposures at military base camps through [Periodic Occupational Environmental Monitoring Summaries](https://mesl.apgea.army.mil/mesl/healthSummary.jsp) (POEMS). The summaries* describe the types of occupational and environmental health (OEH) exposures identified during that time, and provides a characterization of the base camp population’s exposures and potential associated health effects
* are available as they are produced and document the exposure for many of the large troop locations in Iraq and Afghanistan
* are not medical disability documents and *do not* describe any specific person’s unique exposure experience, and
* were not created prior to 1999.
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| i. Developing Claims for SC Based on NRI Therapy | Adjudicate claims for SC based on in-service treatment involving nasopharyngeal radium irradiation (NRI) therapy under the provisions of [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=ea43937f027ad951f68dcb2d33eeaca5&mc=true&node=se38.1.3_1311&rgn=div8) with dose estimates prepared by the Under Secretary for Health (USH).Review STRs, clinical records, and dental records for any annotation of radium therapy. Request STRs that are not already on file. In addition, request information concerning radiation exposure from standard sources, and the following data from the Veteran* the date the NRI treatment was administered, and
* the place where the NRI treatment was administered, including the specific base and medical facility.

***Note***: Even when STRs do verify NRI treatments, they may not contain detailed records of radiation doses during treatment. Refer the claim to Compensation Service, Policy Staff (211B) if NRI treatment is verified but dose information is not present. Compensation Service will determine whether a dose estimate may be provided by the Veterans Health Administration (VHA).***References***: For more information on * referring claims to Compensation Service, Policy Staff (211B), see
* M21-1, Part IV, Subpart ii, 1.C.5, and
* M21-1, Part III, Subpart vi, 1.A, and
* NRI therapy, see the VA Fact Sheet, [*Nasopharyngeal Radium Therapy*](http://vbaw.vba.va.gov/bl/21/Rating/Medical/RADIUM.HTM), dated September 1997.
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#### 4. Obtaining Dosimetry Information

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| Introduction | This topic contains information on obtaining dosimetry information, including * obtaining dosimetry information from DTRA for atmospheric tests, Hiroshima or Nagasaki occupation, or FPOW interment in Japan
* obtaining dosimetry information for individuals outside the scope of DTRA’s Nuclear Test Personnel Review (NTPR) program
* data to include in the letter to the service department requesting dosimetry information
* handling claims based on radiation exposure in or around Camp Hanford, Washington
* definitions of
* not exposed, and
* zero dose, and
* handling dose estimates
* of “not exposed” or “zero”, and
* submitted on behalf of the claimant.
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| Change Date | December 4, 2015 |

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| a. Obtaining Dosimetry Information From DTRA for Atmospheric Tests, Hiroshima or Nagasaki Occupation, or FPOW Interment in Japan | For claims involving U.S. atmospheric nuclear weapons tests, occupation of Hiroshima or Nagasaki, or FPOW interment in Japan, send a request for dosimetry information to theDefense Threat Reduction Agency (DTRA)ATTN: RD-NTSDStop 62018725 John J. Kingman Rd., Ft. Belvoir, VA 22060-6201The letter to DTRA must contain the following information: * the applicable regulation ([38 CFR 3.309(d)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=8&SID=d969426c79676b833a5f2858e99391a3&ty=HTML&h=L&r=SECTION&n=se38.1.3_1309) or [38 CFR 3.311](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8))
* VA claim number
* Veteran’s and claimant’s names, addresses, and telephone numbers
* Veteran’s branch of service, service number, and Social Security number
* specific organization or unit of assignment at the time of exposure
* dates of assignment to nuclear test site or Hiroshima/Nagasaki
* full description of duties and activities while a participant in a radiation-risk activity, and
* specific disease being claimed (***Note***: Specify the type of cancer and the organ involved. If skin cancer is claimed, also specify the site of each lesion and date of diagnosis.)

The letter must include a copy of* the claimant’s response to the request for information about the Veteran’s exposure to ionizing radiation
* the Veteran’s statement(s) about the nature of his/her exposure to radiation
* any military documents supporting participation in a radiation-risk activity, such as a *DD Form 214*, *Certificate of Release of Discharge from Active Duty*, or military orders
* the medical or scientific evidence showing a causal relationship between the claimed disease and exposure to radiation, if the disease is not among those listed under [38 CFR 3.311(b)(2),](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8) and
* the Board of Veterans’ Appeals (BVA) remand, if applicable.

***Note***: DTRA only provides confirmation of participation and radiation doses for individuals involved in U.S. atmospheric nuclear testing (1945 to 1960) and the occupation forces of Hiroshima/Nagasaki. ***Reference***: For information on obtaining dosimetry information in cases not handled by DTRA, see M21-1, Part IV, Subpart ii, 1.C.4.b. |

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| b. Obtaining Dosimetry Information for Individuals Outside the Scope of DTRA’s NTPR Program | Use the table below to determine the appropriate action to take for individuals outside the scope of DTRA’s Nuclear Test Personnel Review (NTPR) program. |

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| **If the claimant alleges exposure to radiation ...** | **Then ...** |
| * through a military occupation, such as x-ray technicians, reactor plant workers, and workers in nuclear medicine, radar, and radiography, and
* the Veteran’s military records document the military occupation
 | * send a letter requesting dosimetry information to the appropriate service department point of contact listed in M21-1, Part IV, Subpart ii, 1.C.3.f, and once dosimetry information is received,
* refer the claim to Compensation Service, Policy Staff (211B), for referral to the USH, who is responsible for preparation of a dose estimate, to the extent feasible, based on available methodologies.
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| * from medical diagnostic procedures or during medical treatment, and
* the Veteran’s STRs support this exposure
 | refer the claim to Compensation Service, Policy Staff (211B) for assistance. |

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| ***References***: For more information on * what to include in the letter to the service department point of contact, see M21-1, Part IV, Subpart ii, 1.C.4.c, and
* referring claims to Compensation Service, Policy Staff (211B), see M21-1, Part IV, Subpart ii, 1.C.5.
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| c. Data to Include in the Letter to the Service Department Requesting Dosimetry Information  | The letter to the service department point of contact requesting dosimetry information should include the following:* the location and dates of the Veteran’s service
* the Veteran’s military unit
* the Veteran’s Military Occupational Specialty (MOS)
* the place(s) where the Veteran worked
* a list of radioactive materials the Veteran worked with (source, strength, and type)
* the number of hours per day the Veteran spent working with radioactive materials and the number of days, weeks, or months of the assignment the Veteran worked with radioactive sources, and
* the number of hours per day the Veteran spent working with radiation-producing devices and the number days, weeks, or months of the assignment the Veteran worked with radiation-producing devices.

The letter should also enclose a copy of any available* training records associated with radiation training
* radiation dose records provided by the Veteran, and
* medical records showing treatment for any occupational radiation injuries or other records documenting radiation exposure.
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| d. Handling Claims Based on Radiation Exposure in or Around Camp Hanford, Washington | Use the table below to determine how to handle claims based on radiation exposure in or around Camp Hanford, Washington.  |

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| Step | Action |
| 1 | Obtain the Veteran’s STRs and service personnel records. |
| 2 | Review the service records to* confirm the Veteran’s presence in or around Camp Hanford
* determine the duration of this duty assignment, and
* ascertain whether a *DD Form 1141* or other official record of radiation exposure is available.
 |
| 3 | Refer the claim to Compensation Service, Policy Staff (211B), for assistance when* the Veteran’s presence in or around Camp Hanford is confirmed, and
* attempts to obtain information about the Veteran’s exposure to radiation, whether successful or unsuccessful, have been made and documented in the claims folder.

***References***: For more information on referring claims to Compensation Service, Policy Staff (211B), see M21-1, Part IV, Subpart ii, 1.C.5. |

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| e. Definition: Not Exposed | ***Not*** ***exposed*** means* there was no potential for exposure to radiation, and
* the Veteran did not enter a radiological environment.
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| f. Definition: Zero Dose | ***Zero*** ***dose*** means there was *potential* for exposure to radiation, but the dose received was zero. |

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| g. Handling Dose Estimates of Not Exposed or Zero | If the dose estimate received from DTRA is “not exposed” or “zero,” then do *not* submit the case to Compensation Service. Refer these claims to the rating activity for a decision on the issue of SC for residuals of radiation exposure.  |

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| h. Handling Dose Estimates Submitted on Behalf of the Claimant | Under [38 CFR 3.311(a)(3)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8), if a dose estimate is submitted on behalf ofthe claimant, the rating activity must review the estimate to determine whether it is* from a credible source and prepared by a person or persons who are certified in the field of health physics, nuclear medicine or radiology
* based on analysis of the facts and circumstances of the particular claim, and
* at least double the dose provided by official military records.

***Important***: If the above criteria are met, refer the claim to Compensation Service, Policy Staff (211B), for assistance.***Reference***: For more information on referring claims to Compensation Service, Policy Staff (211B), see M21-1, Part IV, Subpart ii, 1.C.5. |

#### 5. Referring Claims to Compensation Service, Policy Staff (211B)

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| Introduction | This topic contains information on referring claims to Compensation Service, Policy Staff (211B), including * consideration of the claim by the rating activity
* process for referring claims to the Compensation Service
* information to include in the memorandum of a referral to Compensation Service, and
* procedures for referring claims to Compensation Service.
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| Change Date | December 4, 2015 |

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| a. Consideration of the Claim by the Rating Activity | If the rating activity determines that at least one of the requirements of [38 CFR 3.311(b)(1)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8) is *not* met, deny the claim by a formal rating decision on the grounds that the disease did not result from exposure to ionizing radiation. Do *not* refer such cases to Compensation Service unless all of the requirements are met.The rating activity sends claims to Compensation Service, Policy Staff (211B), for additional development *only if* the * three requirements under [38 CFR 3.311(b)(1)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8) are met, and
* development under this section, M21-1, Part IV, Subpart ii, 1.C, is complete.
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| b. Process for Referring Claims to Compensation Service | The table below describes the process for referring a claim based on exposure to ionizing radiation to Compensation Service, Policy Staff (211B). |

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| Stage | Who Is Responsible | Description | References |
| 1 | RO | * Refers the claim to Compensation Service, Policy Staff (211B), for review once
* the three requirements of the initial review have been satisfied, and
* development has been completed, including receipt of a response from the DoD regarding exposure to radiation, and
* notifies the claimant of the referral to Central Office (CO).
 | For more information on* what to include in the memorandum for a referral, see M21-1, Part IV, Subpart ii, 1.C.5.c, and
* procedures for referring claims to Compensation Service, see M21-1, Part IV, Subpart ii, 1.C.5.d.
 |
| 2 | Compensation Service | * Reviews the claim
* requests a medical opinion from the USH, and/or refers the claim to an outside consultant if necessary, and
* notifies the RO and the claimant if a referral is made to the USH.
 | For more information on referrals by Compensation Service, Policy Staff (211B), to * the USH, see [38 CFR 3.311(c)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8), and
* an outside consultant, see [38 CFR 3.311(d)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8).
 |
| 3 | Compensation Service | Provides the RO with* an opinion recommending either a grant or denial of the claim, and
* the written response of both the USH and/or outside consultant (if solicited).
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| c. Information to Include in the Memorandum of a Referral to Compensation Service | When referring a claim based on exposure to ionizing radiation to Compensation Service, Policy Staff (211B), prepare a memorandum briefly summarizing the following information: * pertinent service information
* circumstances surrounding the exposure, including dates of the exposure (mm/dd/yr)
* a description of the claimed disease, including the specific cell type and stage, if known
* the date the claimed disease first manifested (date of diagnosis) and the time lapse between exposure and the onset of the disease
* the Veteran’s
* age at the time of exposure
* gender
* race
* date of birth and date of death (if pertinent)
* relevant family medical history, and
* employment history (military and post-military)
* the dose assessment, as specified in [38 CFR 3.311(a)(2)(iii)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8), given by
* DTRA, or
* the applicable service department
* the dose assessment, as specified in [38 CFR 3.311(a)(3)](http://www.ecfr.gov/cgi-bin/text-idx?SID=39de3125a226e1e8d50288b6b1ae520f&node=se38.1.3_1311&rgn=div8), given by a credible independent expert
* the Veteran’s history of exposure to known carcinogens or radiation before and after service, including smoking history and, if claiming skin cancer, exposure to the sun and location of the cancer, and
* any other information relevant to determining the cause of the disease.

***Important***: * Each malignant skin neoplasm will be considered as a separate primary cancer (e.g., basal cell carcinoma, squamous cell carcinoma), unless it is noted in the medical record that the neoplasm is a metastatic lesion.
* For the USH to prepare a dose estimate and provide an opinion, the date of diagnosis and the location (e.g., arm, neck, back) for each skin cancer must be indicated.
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| **d. Procedures for Referring Claims to Compensation Service** | Prior to requesting Compensation Service assistance with a claim, all documents in the claims folder must be scanned into VBMS. After the eFolder is created, ROs must e-mail VAVBAWAS/CO/211 Policy Staff * the memorandum described in M21-1, Part IV, Subpart ii, 1.C.5.c explaining the reason for referral, and
* the claimant’s name and claim number.

***Note***: Prior to sending a request for Compensation Service assistance, the eFolder must * contain a copy of all available pathology reports that identify the type of cancer and the organ involved, and
* have all relevant records annotated or bookmarked for easy identification.

***Reference***: For more information on * shipping documents for scanning, see M21-1, Part III, Subpart ii,1.F
* annotating and bookmarking records in the eFolder, see M21-1, Part III, Subpart ii, 4.G.2, and
* submitting requests for Compensation Service guidance, see M21-1, Part III, Subpart vi, 1.A.
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#### 6. Exhibit 1: Exposure to Nuclear Radiation and DoD Secrecy Agreement

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| Change Date | September 5, 2008 |

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| a. Exposure to Nuclear Radiation and DoD Secrecy Agreement | The *Exposure to Nuclear Radiation and DoD Secrecy Agreement* is below. |

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