### Section F. Claims for Service Connection for Disabilities Resulting From Exposure to Mustard Gas or Lewisite

#### Overview

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

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| [21](#Topic21) | Centralized Processing of Claims Based on the Effects of Exposure to Mustard Gas or Lewisite | 1-F-5 |
| [22](#Topic22) | Developing Claims Based on the Effects of Exposure to Mustard Gas or Lewisite | 1-F-7 |

#### 20. General Information on Developing Claims for Service Connection for Disabilities Resulting From Exposure to Mustard Gas or Lewisite

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| Introduction | This topic contains general information on developing claims for service connection for disabilities resulting from exposure to mustardgas or Lewisite. It includes information on * [service connection based on full-body exposure to mustard gas or Lewisite](#_a.__Service)
* [disabilities for which service connection may be granted](#_b.__Disabilities)
* [Veterans eligible for benefits](#_c.__Veterans), and
* [action to take when no disability is claimed](#_d.__Action).
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| Change Date | September 22, 2014 |

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| a. Service Connection Based on Full- Body Exposure to Mustard Gas or Lewisite | [38 CFR 3.316](http://www.benefits.va.gov/WARMS/docs/regs/38cfr/bookb/part3/S3_316.doc) authorizes service connection for certain diseases diagnosed in Veterans who underwent full-body exposure to mustard gas or Lewisite during military service. ***Full-body exposure*** means that the entire body was exposed to mustard agents or Lewisite as opposed to placement of drops of mustard agent or Lewisite on one or more locations on the skin. ***Mustard gas*** refers to either of two blister producing agents, sulphur mustard (Yperite) or nitrogen mustard. ***Lewisite*** is a mustard vesicant agent containing arsenic. |

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| b. Disabilities for Which Service Connection May Be Granted | Use the table below to identify the disabilities for which service connection may be granted by presumption under [38 CFR 3.316(a)](http://www.benefits.va.gov/WARMS/docs/regs/38cfr/bookb/part3/S3_316.doc) based on full-body exposure during active military service. |

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| If the Veteran was exposed to … | Then service connection may be granted for … |
| nitrogen or sulfur mustard gas | * chronic conjunctivitis
* keratitis
* corneal opacities
* scar formation at the exposure site
* nasopharyngeal cancer
* laryngeal cancer
* lung cancer (except mesothelioma), and/or
* squamous cell carcinoma of the skin.
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| nitrogen or sulfur mustard gas or Lewisite | chronic forms of * laryngitis
* bronchitis
* emphysema
* asthma, and/or
* chronic obstructive pulmonary disease (COPD).
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| nitrogen mustard gas | acute non-lymphocytic leukemia. |

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| c. Veterans Eligible for Benefits  | Veterans who are eligible for benefits include those who were* exposed during field or chamber testing
* exposed under battlefield conditions in World War I (WWI)
* present at the German air raid on the harbor of Bari, Italy, in World War II (WWII), or
* engaged in the manufacturing, handling or destruction of vesicant (blistering) agents during military service.
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| d. Action to Take When No Disability Is Claimed | A claim is not substantially complete if a Veteran alleges exposure to mustard gas or lewisite during service, but does not claim service connection for a specific disability. In cases such as these* inform the Veteran that exposure, in and of itself, is not a disability, and
* ask the Veteran to identify the disability(ies) that resulted from exposure to mustard gas or lewisite during service.

***Important***:* Do not
* process the claim as a denial, or
* establish end product (EP) control for the incomplete claim.
* Whenever possible, telephone the Veteran to obtain the information needed to substantiate the claim.

***Reference***: For more information on what constitutes a substantially complete application, see* [38 CFR 3.159(a)(3)](http://www.benefits.va.gov/WARMS/docs/regs/38cfr/bookb/part3/S3_159.doc), and
* M21-1MR, Part I, 1.B.3.a.
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#### 21. Centralized Processing of Claims Based on the Effects of Exposure to Mustard Gas or Lewisite

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| Introduction | This topic contains information on the centralized processing of claims based on the effects of exposure to mustard gas and Lewisite, including * [centralized processing of claims at the Muskogee Regional Office (RO)](#_a.__Centralized)
* [retention of claims at the local RO](#_b.__Retention), and
* [forwarding claims to the Muskogee RO](#_c.__Forwarding).
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| a. Centralized Processing of Claims at the Muskogee RO | All claims and appeals based on exposure to mustard gas or Lewisite received on or after January 19, 2005, are centrally processed at the Muskogee Regional Office (RO).  |

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| b. Retention of Claims at the Local RO | Claims based on mustard gas or Lewisite exposure received before January 19, 2005, must be retained at the local RO for processing. Local ROs must * expedite the processing of these claims, and
* e-mail the final rating to the Compensation Service’s mustard gas mailbox at MUSTARDGAS@VA.GOV.
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| c. Forwarding Claims to the Muskogee RO  | Claims and appeals relating to mustard agent or Lewisite exposure received on or after January 19, 2005, must be mailed to the following address for processing:Department of Veterans AffairsVARO Muskogee (**21-Mustard Gas**)Federal Building 125 S. Main StreetMuskogee, OK 74401***Notes***: * Claims folders must accompany the new claim only if the record is located in an RO’s file bank. The Muskogee RO will recall all claims folders located in records repositories.
* ROs will permanently transfer the claims folder to the Muskogee RO when forwarding it for processing of a mustard gas-related claim.
* The Muskogee RO must send an e-mail copy of each final rating decision to Compensation Service’s mustard gas mailbox at MUSTARDGAS@VA.GOV.
* If an RO subsequently receives a claim that is not related to mustard gas exposure, the RO will request permanent transfer of the associated claims folder from the Muskogee RO. The folder will not be transferred until processing of the mustard gas claim is complete.
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#### 22. Developing Claims Based on the Effects of Exposure to Mustard Gas or Lewisite

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| Introduction | This topic contains information on developing claims based on the effects of exposure to mustard gas or Lewisite, including * [end product (EP) and jurisdictional control of claims](#_a.__EP)
* [when evidence of full-body exposure is necessary](#_b.__When)
* [forwarding requests for verification of exposure to the Compensation Service’s mustard gas mailbox](#_c.__Forwarding_1)
* [development when Veterans are not listed in the DoD chem-bio exposure database](#_d.__Development), and
* [what to consider when rating claims](#_e.__What).
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| Change Date | September 22, 2014 |

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| a. EP and Jurisdictional Control of Claims | All claims received on or after January 19, 2005, in which a Veteran alleges exposure to mustard gas or Lewisite are processed at the Muskogee RO.All claims for service connection for disabilities resulting from exposure to mustard agents or Lewisite are controlled with a standard compensation EP.Enter the “Mustard Gas” Special Issue identifier on the MAP-D/VBMS contention screen. ***References***: For more information on* exposure to mustard gas and Lewisite, see [Training Letter 05-01](http://vbaw.vba.va.gov/bl/21/publicat/Letters/TrngLtrs/TL05-01.doc), and
* EP codes, see [M21-4, Appendix C](http://www.benefits.va.gov/WARMS/docs/admin21/m21_4/appc.doc).
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| b. When Evidence of Full-Body Exposure Is Necessary | If a Veteran alleges exposure to mustard gas or Lewisite, but claims service connection for a disease not listed in [38 CFR 3.316(a)](http://www.benefits.va.gov/WARMS/docs/regs/38cfr/bookb/part3/S3_316.doc), ask the Veteran to submit medical or scientific evidence showing a causal relationship between the disease claimed and exposure.  |

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|  (continued) | Request evidence of full-body exposure to mustard gas or Lewisite *only* if the Veteran alleges exposure and* claims service connection for a disability listed in [38 CFR 3.316(a)](http://www.benefits.va.gov/WARMS/docs/regs/38cfr/bookb/part3/S3_316.doc), *or*
* submits medical or scientific evidence showing a causal relationship between a disease not listed in 38 CFR 3.316(a) and exposure.

***Note***: Development letters should be prepared using Modern Awards Processing-Development (MAP-D). Access the “mustard gas” development selection from the drop-down menu on the contentions screen. |

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| c. Forwarding Requests for Verification of Exposure to the Compensation Service’s Mustard Gas Mailbox | If the criteria stated in M21-1MR, Part IV, Subpart ii, 1.F.22.b, are met, send an e-mail message to the Compensation Service’s mustard gas mailbox (MUSTARDGAS@VA.GOV) requesting verification of full-body exposure.The e-mail message should include the following information:* the Veteran’s
* full name
* e-mail address
* telephone number
* date of birth
* date of death (if applicable)
* Social Security number (SSN)
* branch of service
* service number
* dates of service
* the date of the alleged exposure (month and year)
* the geographic location of the alleged exposure
* the unit to which the Veteran was assigned at the time of alleged exposure
* the type of exposure involved (full-body, patch, etc.), and
* the disabilities claimed as having resulted from exposure.

Upon receipt of the e-mail message, Compensation Service personnel will review the Department of Defense’s (DoD) chemical and biological (chem-bio) exposure database and confirm or deny exposure.***Note***: Request from the claimant any information listed above that is not already of record in the claims folder.  |

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| d. Development when Veterans are not Listed in the DoD Chem Bio Database | If Compensation Service reports that the Veteran is not listed in the DoD chem-bio database, mail documentation of the Veteran’s exposure to the Compensation Service at the following address:Department of Veterans AffairsCompensation Service (212)ATTN: Mustard Gas Manager810 Vermont Ave, NW Washington, DC 20420 The documentation should include the following:* the Veteran’s
* full name
* service number
* SSN, and
* full organizational designation (unit, company, division, etc.) at the time of alleged exposure(s)
* the number of exposures
* the date of the alleged exposure(s) (month and year)
* the geographical location of the alleged exposure(s)
* the type of activity the Veteran was engaged in at the time of each exposure, such as basic training or involvement in a test or experiment
* details of the exposure, including
* the length of time the Veteran was exposed
* the procedures that were followed before, during, and after the exposure
* the effect of the exposure on the Veteran’s body, and
* whether the Veteran received medical treatment following exposure
* a copy of the Veteran’s military personnel file, and
* any 3-inch by 5-inch index card in the service records documenting exposure to mustard gas or Lewisite. (***Note***: In some cases, DoD placed in the service records a 3-inch by 5-inch index card containing detailed information about mustard gas or Lewisite exposure.)

***Note***: Upon receipt, the Compensation Service will forward this documentation to the Deployment Health Directorate for a determination regarding exposure.  |

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| e. What to Consider When Rating Claims | When rating claims, consider that * the acute effects of exposure to mustard gas or Lewisite may be evident in the service medical records (SMRs)
* the delayed effects of exposure may appear even though no acute effects were noted in service, and
* the Veteran may have been exposed to mustard gas or Lewisite outside of service.

***Reference***: For more information on rating activity procedures, see [Training Letter 05-01](http://vbaw.vba.va.gov/bl/21/publicat/Letters/TrngLtrs/TL05-01.doc). |