**Department of Veterans Affairs** **M21-1, Part IV, Subpart ii**

**Veterans Benefits Administration August 7, 2015**

**Washington, DC 20420**

#### Transmittal Sheet

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| Changes Included in This Revision | The table below describes the changes included in this revision of Veterans Benefits Manual M21-1, Part IV, “Compensation, DIC, and Death Compensation Benefits,” Subpart ii, “Compensation.”***Notes***: * Unless otherwise noted, the term “claims folder” refers to the official, numbered, Department of Veterans Affairs (VA) repository – whether paper or electronic – for all documentation relating to claims that a Veteran and/or his/her survivors file with VA.
* Minor editorial changes have also been made to
* renumber each topic based on the standard that the first topic in each section is Topic 1
* reassign alphabetical designations to individual blocks, where necessary, to account for new and/or deleted blocks within a topic
* clarify medical terms, where needed
* clarify Block labels and/or Block text, and
* bring the documents into conformance with M21-1 standards.
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| Reasons for the Changes | Citation |
| To add a note that asbestos exposure may have been direct or indirect and that extent and duration of exposure is not a factor. | M21-1, Part IV, Subpart ii, Chapter 2, Section C, Topic 2, Block f (IV.ii.2.C.2.f) |
| To add relevant cross-references. | IV.ii.2.C.2.h |
| To add a new Block a with information related to presumptive service connection based on herbicide exposure. | IV.ii.2.C.3.a |
| To provide information on the definition of an herbicide agent with examples. | IV.ii.2.C.3.b |
| To add a new Block c with information on what is necessary to rebut the presumption of herbicide exposure under 38 CFR 3.307(a).  | IV.ii.2.C.3.c |
| * To add a new Block d with guidance for Vietnam Veterans and establishment of a presumption related to service in the Korean Demilitarized Zone.
* To add cross-references.
 | IV.ii.2.C.3.d |
| * To provide information on what types of service qualify for presumption of exposure to herbicide agents and specify that there is no presumption of exposure based on documentation of service in the offshore waters of Vietnam or in other locations not specified (with exception).
* To add that the term “service in the Republic of Vietnam” does not include service of a Vietnam Era Veteran whose only contact with Vietnam was flying high-altitude missions in Vietnamese airspace.
* To add additional cross-references.
 | IV.ii.2.C.3.e |
| To specify that peripheral neuropathy is that of early-onset for presumptive purposes under 38 CFR 3.309(e) | IV.ii.2.C.3.f |
| To delete old Block g with the definition of acute and subacute peripheral neuropathy. | -- |
| To delete old Block h with information on handling claims based on a history of acute and subacute peripheral neuropathy and late-occurring peripheral neuropathy. | -- |
| To add a new Block h with guidance to consider direct service connection when entitlement to presumptive service connection does not exist. | IV.ii.2.C.3.h |
| * To add early-onset peripheral neuropathy with effective date of September 6, 2013, to the table listing the date disabilities became subject to presumptive service connection under 38 CFR 3.309(e).
* To specify that for claims on or after September 6, 2013, entitlement to presumptive service connection based on peripheral neuropathy only exists when the Veteran meets qualifying service requirements and medical evidence establishes a confirmed diagnosis of early-onset peripheral neuropathy.
 | IV.ii.2.C.3.i |
| * To add a new Block j with revised guidance related to early-onset peripheral neuropathy.
* To provide guidance that peripheral neuropathy still must have manifest to a compensable degree of 10 percent or more within one year of the date of last herbicide exposure during active military, naval, or air service.
* To specify that evidence does not support an association between herbicide exposure and delayed-onset peripheral neuropathy.
 | IV.ii.2.C.3.j |
| To update information on conditions determined to have no positive association with herbicide exposure. | IV.ii.2.C.3.k |
| To add a new Block l with information that presumptive service connection may not be established on the basis of herbicide exposure for a cancer listed in 38 CFR 3.309(e) when medical evidence shows the cancer developed as the result of a metastasis of a non-recognized cancer or of a cancer that is a recognized cause of metastasis. | IV.ii.2.C.3.l |
| To delete old Blocks l-t and relocate the guidance to IV.ii.1.H. | -- |
| To clarify what constitutes presumption of exposure based on service aboard a Navy or Coast Guard ship. | IV.ii.2.C.3.m |
| * To add mycosis fungoides as a subcategory of Non-Hodgkins Lymphoma as qualifying for presumptive service connection.
* To add cross-reference to III.iv.4.I.4.i for additional guidance on considering claims for service connection for mycosis fungoides.
 | IV.ii.2.C.3.o |
| To provide guidance on the categories of class members entitled to consideration under the *Nehmer* stipulation. | IV.ii.2.C.4.b |
| To update information on covered herbicide diseases under 38 CFR 3.816. | IV.ii.2.C.4.c |
| To add information related to what constitutes a *Nehmer* class member as well as a definition of which claims qualify as *Nehmer*-related and which claims do not qualify. | IV.ii.2.C.4.d |
| * To add guidance on assigning an earlier effective date under *Nehmer* from the Training Letter 10-04 Addendum.
* To add information that *Nehmer* requires that the condition must have been present on the effective date from which we grant service connection.
* To delete and relocate guidance on the effective date of Dependency and Indemnity Compensation to IV.ii.3.A.5.
 | IV.ii.2.C.4.e |
| To clarify the examples. | IV.ii.2.C.4.f-g |
| To add information under a February 11, 1999, court order that a claim received from a *Nehmer* class member for a covered disease does not have to specifically mention herbicide exposure or assert a condition resulted from herbicide exposure in order to qualify as a *Nehmer* claim. | IV.ii.2.C.4.i |
| To add a new Block j with guidance that there is no requirement that a *Nehmer* class member file a new claim or claim for an earlier effective date in order for *Nehmer* to apply when a new presumptive condition is added. | IV.ii.2.C.4.j |
| To delete old Block k with outdated information on porphyria cutanea tarda. | -- |
| To delete old Blocks o-q with guidance on survivors claims and relocate the guidance to IV.ii.3.A. | -- |
| To add a new Block o to provide guidance on information to include in the rating decision for any *Nehmer* rating. | IV.ii.2.C.4.o |
| To add a new Block p to provide guidance on information to include in the rating decision when awarding retroactive benefits under *Nehmer*. | IV.ii.2.C.4.p |
| To add a new Block q to provide guidance to consider entitlement to a rating for total disability based on individual unemployability (TDIU) in claims in which Veterans Pension was previously awarded. | IV.ii.2.C.4.q |
| To add a new Block r to provide information on the second signature requirement for *Nehmer* rating decisions. | IV.ii.2.C.4.r |
| To remove reference to Training Letters 10-03 and 11-03 as the relevant content of these letters has been incorporated into the manual. | IV.ii.2.C.5.a |
| To delete old Block b on using Department of Defense records to verify exposure to environmental hazards and relocate the guidance to IV.ii.3.A. | --- |
| To add a new Block b with examples of burned waste products. | IV.ii.2.C.5.b |
| To add a new Block c with information on bases throughout Iraq, Afghanistan, and Djibouti on the Horn of Africa that utilize burn pits. | IV.ii.2.C.5.c |
| To add a new Block d with definition of particulate matter. | IV.ii.2.C.5.d |
| To add a new Block e with description of the sulfur fire at Mishraq State Sulfur Mine near Mosul, Iraq. | IV.ii.2.C.5.e |
| To add a new Block f with guidance on recognizing constrictive bronchiolitis in the 101st Airborne Division as related to the Mishraq State Sulfur Mine Fire. | IV.ii.2.C.5.f |
| To add a new Block g with information on findings common in constrictive bronchiolitis. | IV.ii.2.C.5.g |
| To add a new Block h with guidance on rating constrictive bronchiolitis to include utilizing an appropriate diagnostic code and considering extra-schedular evaluations. | IV.ii.2.C.5.h |
| To add a new Block i with information on National Guard exposure to Chromium VI at Qarmat Ali Water Treatment Plant in Basrah, Iraq. | IV.ii.2.C.5.i |
| To add a new Block j with details on contaminated drinking water on the Marine Corps. Base at Camp Lejeune, North Carolina. | IV.ii.2.C.5.j |
| To add a new Block k with details on pollutants from a waste incinerator near a Naval air facility in Atsugi, Japan. | IV.ii.2.C.5.k |
| To provide guidance to thoroughly review military personnel records and service treatment records for evidence corroborating the Veteran’s statement of exposure. | IV.ii.2.C.5.l |
| To add a new Block m with information on considering lay statements in verifying exposure to environmental hazards with example. | IV.ii.2.C.5.m |
| To delete guidance on what to include in the VA examination and/or medical opinion request and provide a cross-reference to the location of the guidance in IV.ii.1.I.  | IV.ii.2.C.5.n |
| To provide information that many Veterans may not associate illnesses with burn pit exposure or be aware of which toxins were released and emphasize that a decision maker should actively review the claim whenever exposure issues are reasonably raised. | IV.ii.2.C.5.o |
| * To provide information that there are currently no presumptive diseases attributed to service at Camp Lejeune by statute, regulation, or VA policy.
* To add a cross-reference to additional guidance on claim for Camp Lejeune.
 | IV.ii.2.C.5.p |
| To add a new topic and provide information on claims based on Project Shipboard Hazard and Defense (SHAD). | IV.ii.2.C.6 |
| To add a new topic and provide information on claims based on Chemical Biological Radiological Nuclear and Explosives (CBRNE) testing. | IV.ii.2.C.7 |

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| Signature | Thomas J. Murphy, DirectorCompensation Service |

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