

**From:** [Martin, Tyler A., VBALOUV](#) on behalf of [VAVBALOU/RO/VSC](#)  
**To:** [Martin, Tyler A.](#)  
**Subject:** 1FW: Updated CLCW Guidance  
**Date:** Tuesday, December 22, 2015 10:04:57 AM  
**Attachments:** [Camp Lejeune Hold Procedures 2015-10-16.docx](#)

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**From:** Clay, Robert, E. VBALOUV  
**Sent:** Friday, October 23, 2015 11:08 AM  
**To:** VAVBALOU/RO/VSC  
**Cc:** Kuerzi-Rodgers, Laura, VBALOUV; Holtzman, Dean, VBALOUV  
**Subject:** Updated CLCW Guidance

Tyler: Please send the below to All VSC Employees with a copy to the coaches, Laura, Dean, and me after removing this sentence.

All VSC Employees,

We have updated guidance on CLCW processing and the CLCW hold conditions as listed in the attached guidance. While this primarily affects our CLCW Lane, I want to share this guidance with the division. Please note, the guidance related to appeals processing is not correct and we have submitted a request for clarification to the Comp Service Procedures Staff. In the interim, do not process a SOC for any appeals that have non-CLCCW conditions and one of the CLCW hold conditions that would be denied.

To summarize the guidance and expound on our local process, I am providing the below notes.

- If you can grant the condition – process as normal.
- If the decision would result in a denial of one of the CLCW hold conditions (as shown in the attached guidance):
  - If you can rate (grant or deny) the non-CLCW hold issues (PTSD, Right Foot, Etc.), then process the rating EP as normal for the non-CLCW hold conditions and clear the rating EP. Then prepare a minimal deferred for the VSR to have the EP 339 established and hold the claim for the CLCW hold issues and route the work item to the CLCW VSR.
  - VSR establish the EP 339 with the same date of claim as the original rating EP, add all the CLCW hold contentions being deferred, add the CLCW special issue, and, if any is needed, continue any development on the CLCW hold issues. If no additional development is needed and the case would be ready for decision (but for the CLCW hold), then place the case in RFD status and reassign to the CLCW RVSR. Otherwise, ensure the claim is in the proper status.

- If all claimed conditions are CLCW hold conditions and rating them would result in a denial, then p-change the rating EP to EP 339. If the case would be ready for decision (but for the CLCW hold), then place the case in RFD status and reassign to the CLCW RVSR.
- As for SME opinion requests, we should:
  - Continue requesting SME opinions for the 14 issues (from the NRC report – TL 11-03) plus any cancer, as we always have done, and also
  - For any condition on the list of 17 hold conditions.
  - If the claimant comes in with medical evidence to warrant a SME opinion for some other condition, then process the request as we have done previously.
- Language for the deferral to the VSR –
  - VSR – Please CEST EP 339 with \*\*\*\* DOC
- Add contentions as follows: XXX, XXX.
- Please add the CLCW special issue.

Rating Decision Language:

In the rating decisions and notification letters, please use the following sentence to notify the claimant of the deferred issue:

“The claim for XXX related to exposure to Camp Lejeune contaminated water is deferred pending receipt of additional guidance from VA Central Office.”

It is **essential** we establish the EP 339 and enter the CLCW special issue on these cases. That is our tracking device to manage this workload and to not waste time re-reviewing the same cases.

If you have questions, please see your coach.

Semper Ad Excellentiam!

*Laura*

Laura Kuerzi-Rodgers

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### Camp Lejeune Cases Ready for Decision

Effective **immediately**, follow the instructions in the table below to process Camp Lejeune cases that are ready for decision.

If the Camp Lejeune contention decision will be a...	Then...
grant	process as normal.
denial	<ul style="list-style-type: none"> <li>• adjudicate as normal any contention <b>not listed below</b> under the rating end product (EP), and clear the rating EP</li> <li>• do <b>not</b> issue a rating decision for the following Camp Lejeune contentions if they must be denied               <ul style="list-style-type: none"> <li>○ kidney cancer</li> <li>○ non-Hodgkin Lymphoma</li> <li>○ multiple myeloma</li> <li>○ leukemias</li> <li>○ liver cancer</li> <li>○ pancreatic cancer</li> <li>○ prostate cancer</li> <li>○ breast cancer (male &amp; female)</li> <li>○ bladder cancer</li> <li>○ Parkinson's disease</li> <li>○ kidney disease (end state renal disease)</li> <li>○ esophageal cancer</li> <li>○ lung cancer</li> <li>○ rectal cancer</li> <li>○ cervical cancer</li> <li>○ brain/CNS cancers</li> <li>○ systematic sclerosis/scleroderma</li> </ul> </li> <li>• establish EP 339 with special issue identifier "Environmental Hazard – Camp Lejeune" to control the Camp Lejeune contentions with the date of claim (DOC) as the date VA received the Camp Lejeune claim, <i>and</i></li> <li>• hold the case until further notice.</li> </ul>

### Camp Lejeune Appeals Ready for Adjudication

Effective **immediately**, follow the instructions in the table below to process Camp Lejeune appeals that are ready for adjudication.

If the appealed Camp Lejeune contention decision will be a...	Then...
full grant	process the appeal as normal.
continued denial requiring a	<ul style="list-style-type: none"> <li>• adjudicate as normal any appeal contentions</li> </ul>

statement of the case (SOC) or supplemental statement of the case (SSOC)

**not listed below**

- do **not** issue an SOC or SSOC to continue the *denial* of the following Camp Lejeune contentions
  - *kidney cancer*
  - *non-Hodgkin Lymphoma*
  - *multiple myeloma*
  - *leukemias*
  - *liver cancer*
  - *pancreatic cancer*
  - *prostate cancer*
  - *breast cancer (male & female)*
  - *bladder cancer*
  - *Parkinson's disease*
  - *kidney disease (end state renal disease)*
  - *esophageal cancer*
  - *lung cancer*
  - *rectal cancer*
  - *cervical cancer*
  - *brain/CNS cancers*
  - *systemic sclerosis/scleroderma*
- establish EP 339 with special issue identifier "Environmental Hazard – Camp Lejeune" to control the Camp Lejeune contentions with the DOC as the date VA received the notice of disagreement (NOD) (or substantive appeal if an SOC had already been issued)
- enter a note into VBMS indicating the Camp Lejeune contentions are pending as part of an appeal of the Camp Lejeune rating decision dated [RATING DECISION DATE]
- if a VACOLS record exists for the Camp Lejeune contention, use an OTHER diary to indicate the pending appeal is on hold until further notice from VBACO
  - do *not* establish a VACOLS record solely for Camp Lejeune contentions on appeal if a VACOLS record was not already established, *and*
- hold the case until further notice.

**Note:** the benefit sought for Camp Lejeune conditions is service connection (SC), therefore partial grants of Camp Lejeune contentions on appeal are not possible since SC must either be fully granted or denied.