



DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Washington, D.C. 20420

REVISED 01-28-13

January 11, 2011

Director (00/21)
All VA Regional Offices and Centers

In Reply Refer To: 211A
Fast Letter 11-03

SUBJ: Consolidation and Processing of Disability Claims Based on Exposure to Contaminated Drinking Water at Camp Lejeune, North Carolina

Purpose

The purpose of this letter is to inform all Regional Offices and Centers (ROs) that all disability claims and appeals based on exposure to contaminated water at Marine Corps Base Camp Lejeune, North Carolina, will be processed at the Louisville RO. This includes claims currently under appeal located at the Appeals Management Center (AMC), Pension Management Centers (PMCs), and Appeals Resource Centers (ARCs). All Camp Lejeune-related claims associated with paperless claims folders will remain at the Winston-Salem and Salt Lake ROs. This letter will describe procedures for transferring cases to the Louisville RO and guidance for processing these claims.

Background

From August 1953 through December 1987, persons residing or working at the U.S. Marine Corps Base Camp Lejeune, North Carolina, were potentially exposed to drinking water contaminated with volatile organic compounds, including benzene, vinyl chloride, tetrachloroethylene (PCE) and trichloroethylene (TCE). Claims based on service at Camp Lejeune involve potentially complex issues of exposure and causation, and VA remains concerned about the potential for harmful effects associated with past exposure to the contaminated water supply. As the Agency for Toxic Substances and Disease Registry, which has been contracted by the Department of the Navy, continues to research the effects of exposure from this incident, VA must be prepared to evaluate claims based on such exposure in a consistent manner. By centralizing jurisdiction to the Louisville RO, VA enhances its ability to process these claims efficiently and consistently.

Training Letter 10-03 dated April 26, 2010, informed ROs of various environmental hazards, including the Camp Lejeune incident, and provided

specific guidance on handling claims based on exposure to contaminated water at Camp Lejeune. The training letter guidance remains in effect and should be referenced along with this fast letter when adjudicating these types of claims.

Actions by Office of Original Jurisdiction (OOJ)

Effective immediately, all claims folders with pending claims or appeals based on water contamination at Camp Lejeune will be Permanently Transferred Out (PTOed) to the Louisville RO. This includes claims and/or appeals from the AMC, PMCs, and ARCs, if they include at least one Camp Lejeune-related issue. Pending claims are to be identified by the MAP-D special issue, "Environmental Hazard – Camp Lejeune." Do not transfer claims where no disability is specifically alleged, e.g. a claim stating "Camp Lejeune" or "exposure at Camp Lejeune". Follow the procedures in M21-1MR Part I, Chapter 1, Section B.3. If a disability is subsequently identified, then the claims folder is to be PTOed to Louisville. Additionally, do not transfer claims alleging disability of dependents, including birth defects, as VA has no statutory authority to compensate dependents of Veterans exposed to the water contamination. These claims are to be processed under the procedures at Part III, Subpart ii, Chapter 7.2.b.

Claims received prior to installation of the special issue identifier in MAP-D in October 2010 cannot be identified through VETSNET Operations Reports (VOR). For this reason, all employees should be on the alert for these cases including appeals from previous denials based on Camp Lejeune water contamination.

Take no further actions on existing claims or appeals prior to PTOing the file, unless non-Camp Lejeune issues associated with the file can be resolved immediately, (e.g., GAP an Award and release letter).

Backfile the enclosed FLASH notice in the center section of the claims folder prior to shipment. See Enclosure A.

The OOJ will notify the claimant that his or her claims folder is being transferred to the Louisville RO. The enclosed letter is to be used for this purpose. See Enclosure B.

Continue the end product controlling the Camp Lejeune issue and any other claimed issues when the claims folder is PTOed.

For all future Camp Lejeune-related claims, the OOJ will establish the appropriate end product and immediately PTO the claims folder to the Louisville RO. Do not initiate development of these cases prior to transfer. Also, applications for benefits that do not meet the requirements of a substantially complete claim should not be PTOed, (i.e., those applications that do not identify an actual claimed condition as a result of exposure to the water contamination).

The Louisville RO has established a separate PO Box for all corresponding mail. Send all mail that needs to be associated with a Camp Lejeune claims folder to the following address (This PO Box address is also provided to claimants in the attached notification of transfer letter):

Department of Veterans Affairs
Louisville Regional Office
ATTN: CLCW Team
PO Box 2648
Louisville, KY 40201-2648

Actions by Louisville RO

Following receipt of claims folders, the Louisville RO will update COVERS and conduct a comprehensive review of the case to determine what actions are required. All actions should be taken expeditiously. When it is necessary to send the claimant a VCAA notice letter, include language requesting the dates of service for the Veteran at Camp Lejeune, (i.e., month and year of arrival and departure), and where the Veteran lived (on-base or off-base) and worked on base. Autotext the request for this information into the notice letter.

Compensation and Pension (C&P) Service recently developed an “Environmental Hazard – Camp Lejeune” special issue under the MAP-D contentions screen. It is imperative that all claimed issues based on the Camp Lejeune incident are correctly identified using this specific MAP-D special issue. To ensure conditions are identified on the coded rating conclusion, a special issue for RBA 2000 will be installed in the February 2011 coordinated install.

When processing Camp Lejeune claims, a Corporate “Camp Lejeune” Flash should be placed on every Veteran’s record with verified service at Camp Lejeune during any period **from August 1953 through December 1987**.

Establish EP 685 in addition to the standard EP for all Camp Lejeune contaminated water appeals.

The Louisville RO will assume responsibility for processing all pending issues and appeals (including both Camp Lejeune and non-Camp Lejeune claims and appeals) until all Camp Lejeune-related issues are finalized and the folder is PTOed back to the OOJ. For purposes of this fast letter, a finalized claim is one in which a decision has been completed and no appeal has been received within the one-year appeal period. The Louisville RO will assume jurisdiction for any appeals received on Camp Lejeune claims and all other non-Camp Lejeune claims and/or appeals received during the one-year appeal period.

Because a special issue identifier for Camp Lejeune conditions cannot be immediately added to RBA 2000, the Louisville RO is to establish a database containing the following information on all completed Camp Lejeune cases:

- Claim number
- OOJ (RO Station Number)
- Decision date
- Specific claimed conditions due to exposure to contaminated drinking water
- Diagnostic code
- Whether the condition(s) was granted or denied
- Percentage assigned
- If denied, state reason (e.g., no exposure, no current disability, no nexus)

Claims Processing Policies and Procedures

Training Letter 10-03 provides guidance on handling claims for disabilities potentially resulting from exposure to drinking water contamination at Camp Lejeune. C&P Service is currently drafting a new training letter specific to the Camp Lejeune exposure that will provide updated guidance.

It is imperative that VA examination and medical opinion requests include a discussion of the facts and circumstances surrounding the claim. The Camp Lejeune fact sheet must accompany the claims folder to the VHA facility. Any details such as date, location, and length of time on Camp Lejeune, medical, occupational, and environmental exposure history, and any other pertinent facts, should be made available to the examiner. Any noteworthy evidence should be brought to the examiner's attention by including it in the remarks section of the examination request and flagging the appropriate item in the claims folder.

C&P Service provided training to the Louisville RO Staff on December 21, 2010, to ensure consistency of application of Training Letter 10-03 and to address other concerns as needed.

The Veterans Health Administration leadership will ensure clinicians receive training and guidance on conducting C&P examinations and rendering medical opinions for disabilities based on exposure to water contamination at Camp Lejeune.

Questions

If you have questions concerning this fast letter, please submit to:

(b) (6) [REDACTED]

Points of Contact at the Louisville RO are:

Primary POC: Laura Kuerzi-Rogers, VSCM
Technical POC: Ellen Bauer, DRO

The Office of Field Operations POC is: Jessica Jones

/S/
Thomas J. Murphy
Director
Compensation and Pension Service

Enclosures

ENCLOSURE A

Fast Letter 11-03

FLASH

**(TO REMAIN ON TOP OF MATERIAL IN CENTER
SECTION OF CLAIMS FOLDER)**

**CAMP LEJEUNE CLAIM TRANSFERRED TO
LOUISVILLE REGIONAL OFFICE UNDER
FAST LETTER 11-XX**

ENCLOSURE B

Fast Letter 11-03

Regional Office Notification Letter to Claimants Reason for Transfer to Louisville RO

Claimant Name
Address

In Reply Refer To:
C or XC Number
Veteran's Name

Dear Mr./Mrs. **XXX**:

The Department of Veterans Affairs (VA) is centralizing the processing of all benefit claims related to a Veteran's exposure to contaminated drinking water at Camp Lejeune, North Carolina to the VA Regional Office in Louisville, Kentucky. This is being done in order to provide better service to this special category of claimants.

Because you have filed a claim based on exposure to contaminated drinking water at Camp Lejeune, your claims folder has been temporarily transferred to the Louisville Regional Office. Following completion of the claim, your folder will be returned to this office. If you currently have a claim(s) pending in addition to your Camp Lejeune-related claim, the Louisville Regional Office will also handle those claims.

How To Contact Us

If additional information is needed to decide your claim, the Louisville Regional Office will contact you. If you need to submit additional information, the address is:

Department of Veterans Affairs
Louisville Regional Office
ATTN: CLCW Team
PO Box 2648
Louisville, KY 40201-2648

If you would like to speak to a Veterans Service Representative about this letter or your claim, please call 1-800-827-1000, and someone will assist you. If you use a Telecommunications Device for the Deaf (TDD), the number is 1-800-829-4833. On the Internet you may contact VA at <https://iris.va.gov>.

Sincerely yours,

XXXXX
Veterans Service Center Manager

cc: Service Organization