

CURRENT PEASE HEALTH CONCERNS SERVICE CONNECTION GUIDE

1. This document is intended to provide Veterans and/or their Family Members with information that may help them in their decision to submit a Disability Claim for Service Connection through the Veteran's Benefits Administration. If after reviewing this information, the Veteran and/or their Family Members (Claimants) believe that a claim for Service Connection is warranted; the Office of Veteran Services is staffed and trained to provide Veterans/Claimants with the assistance necessary to submit the Fully Developed Claims that may yield a Service Connection for medical conditions/disabilities that they feel are a result of their Service. The office additionally provides Veterans/Claimants with advocacy and representation in the VA's appellate process should you not agree with their findings.

2. Below are categories of Veterans/Family Members to which this guide is targeting:

A. Veterans who served at Pease who have conditions they believe are the result of occupational exposure to carcinogenic/hazardous chemicals OR other types of injuries, illnesses or diseases that they feel were caused by their Service. These are injuries, illnesses, or diseases that you and your doctor feel may have been caused by your military occupation or an incident, accident, or medical condition that occurred while you served. (SEE PAGE 5)

B. Veterans and their families who served at Pease who have conditions they believe could be the result of contaminated drinking water. As many of you may have heard, there are some efforts being made by Congress to get the VA to "presumptively" connect certain diseases (such as some cancers) that may have resulted from the consumption of drinking water that came from contaminated wells on Pease (<https://www.dhhs.nh.gov/media/pr/2014/05-may/05222014-investigation.htm>). Similar to the contamination found at Camp Lejeune; it's been discovered that a few of the wells at Pease were found to be contaminated by per – and polyfluoroalkyl substances (PFAS) (<https://www.epa.gov/pfas/basic-information-pfas>) such as PFOA and PFOS. (SEE PAGE 8)

C. Veterans who served at Pease who have conditions they believe could be the result of either occupational exposure to carcinogenic or hazardous chemicals or contaminated water. This would be for a Veteran who is sick but can't quite determine if the illnesses or conditions came from drinking contaminated water or working with hazardous chemicals or both (SEE PAGE 11).

D. Veterans who served at Pease who are relatively healthy but are concerned about potential contamination as a result of their occupational exposure to carcinogenic or hazardous chemicals or contaminated water. These are Veterans who do not have any illnesses or diseases currently but are concerned about how their exposure could impact their health (SEE PAGE 14).

E. Surviving Spouses who feel that their Pease Veteran may have passed as a result of a condition they might have been able to get Service Connected for. In some situations, the VA does permit Surviving Spouses to submit posthumous claims for compensation which could result in benefits for the Surviving Spouse (SEE PAGE 15).

VETERAN’S ADMINISTRATION’S METHODS TO CONNECT DISABILITIES TO SERVICE ALSO KNOWN AS “SERVICE CONNECTION”

1. Direct Connection: These are disabilities/conditions that the Veteran can prove are as a “direct” result of the Veteran’s Service; they presented themselves or they occurred in the Service AND they still bother you today.

Example: While on Active Duty or “In the Line of Duty”, the Veteran was injured or developed a condition that still bothers them today (post-service) and they have in-Service medical records or can get “Buddy” Statements that prove the condition happened in-Service.

2. Secondary Connection: These are disabilities/conditions that exist only because they are a result of another disability/condition that is already Service Connected.

Example: While on Active Duty or “In the Line of Duty”, the Veteran was injured or developed a condition that still bothers them today (post-service) AND they have been able to get that injury or condition Service Connected. Now, they have another injury or condition that has developed because of the injury or condition they are already Service Connected for.

3. Aggravated Connection: These are disabilities/conditions that are aggravated by Service.

Example: Member had a small disability or condition prior to their service, which had to be waived by the Service, which was worsened as a result of the Service.

4. Presumptive Connection: VA presumes that certain disabilities were caused by military service. This is because of the unique circumstances of a specific Veteran’s military service. If a presumed condition is diagnosed in a Veteran in a certain group, they can be awarded disability compensation.

Example:

- *Former Prisoners of War who:*
 - o Have a condition that is at least 10 percent disabling
- *Vietnam Veterans who:*

- Were exposed to Agent Orange
- Served in the Republic of Vietnam between Jan. 9, 1962, and May 7, 1975
- *Atomic Veterans exposed to ionizing radiation and who experienced one of the following:*
 - Participated in atmospheric nuclear testing
 - Occupied or were prisoners of war in Hiroshima or Nagasaki
 - Served before Feb. 1, 1992, at a diffusion plant in Paducah, Kentucky, Portsmouth, Ohio or Oak Ridge, Tennessee
 - Served before Jan. 1, 1974, at Amchitka Island, Alaska
- *Gulf War Veterans who:*
 - Served in the Southwest Asia Theater of Operations
 - Have a condition that is at least 10 percent disabling by Dec. 31, 2021
- *Camp Lejeune Veterans who:*
 - Served at Camp Lejeune or MCAS New River for at least 30 cumulative days from August 1953 through December 1987

5. Service Connection Based on VA Medical Care: An injury or aggravation of an injury caused by VA hospitalization, VA medical or surgical treatment, VA exams, or VA vocational rehabilitation can be service connected.

Eligible survivors can also receive certain VA benefits if a Veteran died because of VA health care. These benefits are called section 1151 benefits because the law that provides for them is found in section 1151 of title 38 of the U.S. Code (Federal Law).

Veterans or survivors of Veterans may also be able to file a claim and then sue the government under the Federal Tort Claims Act (FTCA). Under the FTCA, a person who has been injured or the estate of a person who has died because of the actions of a U.S. government employee can sometimes recover money damages for that injury or death.

Example:

Veteran had open heart surgery at the VA and in the process of the surgery, one of his/her arteries were nicked which caused long lasting complications. As a result of their error, that new long-term condition will be Service Connected and can be compensable by the VA.

VETERANS WHO SERVED AT PEASE WHO HAVE CONDITIONS THEY BELIEVE ARE THE RESULT OF OCCUPATIONAL EXPOSURE TO CARCINOGENIC/HAZARDOUS CHEMICALS OR OTHER TYPES OF INJURIES, ILLNESSES OR DISEASES THAT THEY FEEL WERE CAUSED BY THEIR SERVICE

1. It is vital for those who served at Pease to understand that right now; there is no “special acknowledgements” (or presumptions) that are being made by the VA for service at Pease. However, the processes that exist today within the VA already, can make it possible for you to get Service Connection for existing conditions that you and your Doctor feel are for injuries, illnesses, or diseases that occurred as a result of an incident, accident or a medical condition that you acquired while you served.

2. How to do this:

A. Get yourself a Representative. While you as the Veteran can certainly submit a claim for Service Connection on your own; either by downloading the VA’s claim application forms online, filling them out, and either mailing them in or electronically uploading them through the VA’s E-Benefits online portal (<https://www.ebenefits.va.gov/ebenefits/homepage>); we recommend that you work with a Veteran Services Officer through a reputable Veteran Service Organization. A few examples of those in New Hampshire are: The NH Office of Veteran Services (NHOVS), The Disabled American Veterans (DAV), The Veterans of Foreign Wars (VFW), and The American Legion. The services that these organizations provide are free services that are afforded to you as a Veteran and will cover you through the entirety of the claim process; from the development of your claim, through the finality of the process; even if that is an appeal through the VA.

- NH Veteran Services Organizations contact numbers:

NH Office of Veteran Services	(603) 624-9230 Ext 301
Disabled American Veterans	(603) 222-5788
Veterans of Foreign Wars	(603) 222-5780
American Legion	(603) 222-5784

B. Get your evidence together. This type of Service Connection would be considered a Direct Service Connection (injuries, illnesses, and conditions that are as a direct result of your Service); you are going to need solid evidentiary documentation (preferably from your Service Record or Service Treatment Record) and/or a strong nexus statement (SEE PAGE 16) from your physician especially in the case of a condition that did not present itself in Service (like a cancer).

Again, a Veteran Service Officer from a reputable Veteran Service Organization can “assist” you with the collection of evidence.

NOTE: *If this is a condition that did not present itself while you served, but you feel is still linked to what you did in the Service; you will not get Service Connection from the VA unless you have a strong nexus statement (SEE PAGE 16) from your doctor, stating that in his/her professional opinion; your condition is “as least as likely as not” caused by your Service. If your doctor does not believe or agree with your belief that the condition and your Service are linked; the VA will likely deny your claim.*

C. Submit your claim. Once you have gathered the evidence that supports your claim (the more evidence the better, especially in cases where you are claiming a condition that was not present when you served); you can now file your claim. If you are submitting the claim on our own; claim forms are available on the VA’s websites (<https://www.va.gov/vaforms/> & <https://www.ebenefits.va.gov/ebenefits/homepage>); it is important to use this site to acquire your forms (at the time of your application) as these are the most up-to-date forms that are available and could keep you from being requested by the VA to redo a form because it is outdated (this will delay the claim). If you are working with a Veteran Services Officer from a reputable Veteran Service Organization; they can “assist” you in attaining the correct documents, filling them out properly, and submitting them in a timely manner.

D. Wait for the VA’s response. Once your claim is submitted, it is important to understand that it will now have to go through a “process” at the VA to get adjudicated (to get a decision) and that “process” can vary in length of time that it takes the VA to come to a decision. Some variables that can lengthen the adjudication time include:

1) How complete your application for benefits is. If the VA needs clarification or needs additional evidence on what you submitted, that will cause delays in the processing.

2) How busy the VA is in processing claims. Claims typically take 3-6 months to complete depending on how many claims the VA is processing at that time; some claims can take longer.

3) Whether or not you make it to your VA scheduled Compensation and Pension Exams: Compensation and Pension exams are required for most claims (<https://www.benefits.va.gov/COMPENSATION/claimexam.asp>); if the VA schedules you an exam date and you can’t make that date; sometimes it could take weeks and even longer to get another exam scheduled. So, it is imperative that you try your hardest to make it to your Compensation and Pension exam if the VA requires one.

4) Delayed response to VA inquiries. If you are asked by the VA to provide additional information and you don't respond. The VA could delay your claim waiting to hear from you or they could adjudicate the claim without the information they requested which could result in a denial.

NOTE: *If the VA denies your "Service Connection", you have the option to appeal the decision. We recommend that you consult a Veteran Services Officer before deciding on how to appeal your claim; this could save you years of waiting.*

VETERANS AND THEIR FAMILIES WHO SERVED AT PEASE WHO HAVE CONDITIONS THEY BELIEVE COULD BE THE RESULT OF CONTAMINATED DRINKING WATER

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NOTE: *If the VA denies your "Service Connection", you have the option to appeal the decision. We recommend that you consult a Veteran Services Officer before deciding on how to appeal your claim; this could save you years of waiting.*

NOTE: *As of right now, there are no means through the Veteran's Administration by which Family Members who have medical conditions that they and their Physicians feel could be related to the consumption of contaminated water; to get a "Service Connection" or "Treatment". For those Family Members affected by contaminated water at Camp Lejeune, the VA provides healthcare; in the form of reimbursement for out-of-pocket health care costs for certain conditions (a total of 15); to Family Members who Served at Camp Lejeune with their Veteran for at least 30 days cumulative.*

**VETERANS WHO SERVED AT PEASE WHO HAVE CONDITIONS THEY BELIEVE
COULD BE THE RESULT OF EITHER OCCUPATIONAL EXPOSURE TO CARCINOGENIC
OR HAZARDOUS CHEMICALS OR CONTAMINATED WATER**

1. It is vital for those who served at Pease to understand that right now; there is no “special acknowledgements” (or presumptions) that are being made by the VA for service at Pease. However, the processes that exist today within the VA already, can make it possible for you to get Service Connection for existing conditions that you and your Doctor feel are for injuries, illnesses, or diseases that occurred as a result of an incident, accident or a medical condition that you acquired while you served.

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(like a cancer). Again, a Veteran Service Officer from a reputable Veteran Service Organization can “assist” you with the collection of evidence.

NOTE: *If this is a condition that did not present itself while you served, but you feel is still linked to your exposure to contaminated drinking water; you will not get Service Connection from the VA unless you have a strong Nexus Statement(SEE PAGE 16) from your Physician stating that in his/her professional opinion; your condition is “as least as likely as not” caused by your exposure to known contaminants that were present in the water at the time you served in Pease. If your Doctor does not believe or agree with your belief that the condition and your Service are linked; the VA is going to most likely deny your claim. Again, this gathering of evidence is an essential step and should not be left up to chance; seek the advice and counsel of a Veteran Service’s Officer from a reputable Veteran Service Organization for assistance. This evidentiary process will be made much simpler if the VA establishes Pease Water Contamination as a “Presumptive” Condition.*

C. Submit your claim. Once you have gathered the evidence that supports your claim (the more evidence the better, especially in cases where you are claiming a condition that was not present when you served); you can now file your claim. If you are submitting the claim on our own; claim forms are available on the VA’s websites (<https://www.va.gov/vaforms/> & <https://www.ebenefits.va.gov/ebenefits/homepage>); it is important to use this site to acquire your forms as these are the most up to date forms that are available and could keep you from being requested by the VA to redo a form because it is outdated (this will delay the claim). If you are working with a Veteran Services Officer from a reputable Veteran Service Organization; they can “assist” you in attaining the correct documents, filling them out properly, and submitting them in a timely manner.

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VETERANS WHO SERVED AT PEASE WHO ARE RELATIVELY HEALTHY BUT ARE CONCERNED ABOUT POTENTIAL CONTAMINATION AS A RESULT OF THEIR OCCUPATIONAL EXPOSURE TO CARCINOGENIC OR HAZARDOUS CHEMICALS OR CONTAMINATED WATER

1. If you are relatively healthy and do not have a condition that you or your doctor feels that is potentially linked to your Service at Pease; and while that is a good thing; your potential exposure might still be concerning to you. If you fall into this category of Pease Veterans; you may at the minimum want to share the information on the Pease Water Contamination with your Primary Care Physician so that he or she is aware of your potential exposure. This important health information can be found on the New Hampshire Office of Veterans Services' Website at: <https://www.nh.gov/nhVeterans/pease/index.htm>. Notifying your Primary Care Physician of your potential exposure could go a long way in the early detection of conditions that might be associated with the consumption of contaminated water. The NH Office of Veteran Services is also maintaining a "Pease Air Base Health Concerns Contact List" where we provide updates to the Veterans and Family Members who served at Pease to this situation as things develop. If you would like to sign up to receive this type of information, please contact the NH Office of Veteran Services at (603) 624-9230 Ext 301. If you have any questions or are interested in finding out more, please call.

SURVIVING SPOUSES WHO FEEL THAT THEIR PEASE VETERAN MAY HAVE PASSED AS A RESULT OF A CONDITION THEY MIGHT HAVE BEEN ABLE TO GET SERVICE CONNECTED FOR

1. If you are a Surviving Spouse who feels that your Veteran passed away as a result of a medical condition that you and their Doctor feels may have been caused by their Service; PLEASE; contact a Veteran Services Officer of a reputable Veteran Service Organization. A few examples of those in New Hampshire are: The NH Office of Veteran Services (NHOVS), The Disable American Veterans (DAV), The Veterans of Foreign Wars (VFW), and The American Legion. The Representation Services that these Organizations provide are free services that are afforded to you as a Veteran and will cover you through the entirety of the claim process; from the development of your claim, through the finality of the process; even if that is an Appeal through the VA.

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THE NEXUS LETTER

1. This letter is vital to a successful claim, especially in relation for conditions caused by some type of toxin exposure.

NOTE: While this hand out is geared mostly towards toxin contaminations, the same principles hold true for other conditions for which you may be seeking Service Connection. Also, if you have served in a documented presumptive area such as Vietnam or the Arabian Gulf, please speak with a Veteran Services Officer for other conditions you should consider filing a claim.

2. You need to show three things in order to have a successful claim with the VA:

A. An event (toxin exposure), aggravation, or injury happened while on active duty or active duty for training.

B. You must have a present-day diagnosis of that same condition or a condition that was caused by an exposure or injury.

C. You must then link your injury/exposure/aggravation in service to your present-day diagnosis. This is done by a medical opinion the VA calls a nexus letter.

3. This letter must be tailored to the veteran and the veteran's claimed condition. Wording is key here. Ideally the VA is looking for the following verbiage (per federal code):

A. Not likely (this would not be favorable)

B. At least as likely as not (not strong, but still would lean in the veteran's favor)

C. More than likely or more likely than not (strong)

D. Highly likely (very strong)

4. A strong nexus statement will show that the doctor (preferably a specialist) reviewed the veterans service records and any other records pertaining to toxin/hazardous chemical exposure and makes a statement in the nexus letter:

A. "After a review of the veterans service medical (treatment) records and personnel records"

B. States a strong opinion:

1) "It is my professional opinion that is more likely as not"

- It is up to your doctor to make this statement strong, within the confines of what they feel is appropriate.

C. Explains a clear rationale:

1) "It is well known in the medical community"

2) "It is well known in medical journals and research"

3) Explains the unlikely possibility that the condition is genetically related

4) "in my professional opinion this cancer is common with a toxin or hazardous chemical exposure such as_____".

D. Your doctor should provide their credentials and special titles

1) Example:

- Oncologist
- Environmental Clinician
- Surgeon
- Hematologist

2) Credentials are important. A specialist like an oncologist will hold more weight than a general medicine physician's assistant.