

Veterans Benefits Administration



Compensation and Pension Service

Radiation



Status Update – VBA Operations

Radiation Claims



Consolidation of Radiation Claims at the Jackson Regional Office

All Types of Radiation Claims will be adjudicated by the Jackson RO. The exceptions are cases under APPEAL.

- Consolidation of pending claims has been completed.

As of July 25, 2007:

- Jackson has finalized 1300 radiation cases.
- Jackson has 1,900 cases in development.
- 235 cases are awaiting radiation doses requested from DTRA.
- 176 cases are waiting to be rated.



Expedited Radiation Doses for Cataracts, Skin & Prostate Cancer

The Defense Threat Reduction Agency (DTRA) now provides expedited theoretical maximum radiation doses for skin cancer, prostate cancer, and posterior subcapsular cataract claims.



Handling of Expedited Radiation Doses for Skin & Prostate Cancer Claims

The Under Secretary for Benefits (USB) has given Jackson the authority to make final decisions on claims from Atomic Veterans for skin and prostate cancer without referral to the Compensation & Pension Service.

DTRA has provided screening dose tables for use with these expedited doses.



Handling of Expedited Radiation Doses for Skin & Prostate Cancer Claims

The Environmental Hazards Office of the Under Secretary for Health (USH) has provided instructions to VBA for the use of these screening tables to assist in the decision making process.

The Compensation & Pension Service has provided Jackson with worksheets and instructions to implement the use of these tables.



Handling of Expedited Radiation Doses for Skin & Prostate Cancer Claims

Some claims may require a medical opinion from the USH provided through the Environmental Hazards Office.



Quality Assurance Plan

The Systematic Technical Accuracy Review (STAR) is VA's national quality assurance program for measuring claims processing accuracy. Radiation claims are reviewed as part of STAR's workload.

A STAR review dealing specifically with radiation claims will be completed by September 2007.



Quality Assurance Plan

Several specific areas will be assessed as part of the QA review including:

- The validity of the initial determination that a claim involving exposure to radiation required transfer to the Jackson RO.
- That referrals to DTRA for a radiation dose contain complete information.



Quality Assurance Plan

- That decisions granting or denying benefits are correct.

During recurring site visits by survey teams from the Veterans Benefits Administration to the Jackson RO, radiation workload management and individual performance factors will also be reviewed.



Radiation Doses from DTRA for Non-Radiogenic Disabilities

To address the question of whether a radiation dose from DTRA can be requested for a non-radiogenic disability VA obtained a legal opinion from the Office of General Counsel (GC).

GC advised that medical evidence is competent if it is provided by a person who is qualified through education, training, or experience to offer medical diagnoses, statements, or opinions.



Radiation Doses from DTRA for Non-Radiogenic Disabilities

The GC went on to say that in the absence of VA regulations the Court of Appeals for Veterans Claims would find any physician's opinion competent, except possibly for opinions that were wholly equivocal.

GC also noted that 32 C.F.R. § 218.1 includes a statement of policy, in mandatory terms, that DoD will provide dose information to VA upon request in connection with a claim for disability benefits.



Notification of Claims Outcomes

The VBDR, through Dr. John Lathrop, currently receives summaries of the outcomes of medical opinions provided by the Under Secretary for Health for radiation claims.

DTRA, through Dr. Paul Blake, also receives the same summaries of outcomes.



Other Issues

Attorneys

OEF/OIF



QUESTIONS