



Compensation Service Bulletin

December 2011

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Policy (211)

**Effective Date for Claims Involving Exposure
to Agent Orange with Thailand Base Perimeter
Duty**

Compensation Service acknowledges exposure to tactical herbicides, such as Agent Orange, on a direct, occupational, or facts found basis for Veterans with duty on military base perimeters in Thailand during the Vietnam era. As a result, these Veterans are eligible for presumptive service connection for the diseases associated with tactical herbicide exposure listed at 38 CFR 3.309(e). The Compensation Service Bulletins for August 2009 and May 2010 contain the details of this policy.

38 CFR 3.156(c) states a denied claim may be reconsidered based on receipt of "service records that are related to a claimed in-service event, injury, or disease." Any award based on such records "is effective on the date entitlement arose or the date VA received the previously decided claim, whichever is later," Our obligation is to apply this regulation from this point forward to any claim a Veteran reopens or any previous relevant denial we discover when reviewing the Veteran's claims file.

The "service records" Compensation Service based their decision on included information from a declassified 1973 Department of Defense document titled *Project CHECO Southeast Asia Report: Base Defense in Thailand*. Within this 91-page report are several references to significant herbicide use on the fenced-in

perimeters of Thailand airbases. The report was acquired after some of these Veterans were denied service connection based on the lack of evidence of tactical herbicide exposure, in accordance with the policy in effect at that time.

For example, a Veteran with Thailand perimeter duty was denied service connection for type 2 diabetes in 2006 and reopens his claim in 2011. The effective date will go back to the date the Department of Veterans Affairs (VA) received the previously denied claim in 2006, as long as the disease was present at that time.

Procedures (212)

**Special Monthly Compensation (SMC) as
Authorized in Public Law 111-275**

Fast Letter 11-35, *Special Monthly Compensation (SMC) at the New (T) Rate for Residuals of Traumatic Brain Injury (TBI)*, establishes procedures for implementing the new SMC (T) rate, equal to the (R)(2) rate, for Veterans who need regular aid and attendance (A&A) due to residuals of TBI.

**December Benefit Summary Letter Permanent
and Total (P&T) Line Modification**

This is a reminder that the October 2011 benefit summary (tax abatement) letter release contains a new, permanent code modification that changes the permanent and total (P&T) line display. The P&T line will only be displayed if confirmed by a Chapter 35 entitlement decision in the Corporate Record.

This change will result in fewer letters stating the beneficiary is P&T. In some cases, beneficiaries who received a "P&T YES" response in previous years will **not** see that line displayed on the letter this year (unless entitlement to Chapter 35 has been established in the interim).

To increase clarity we reprogrammed the letters to display only positive responses. Therefore, if the electronic record doesn't show entitlement to a