PACT Act Related Effective Date Scenarios

Compensation Claims

Scenario 1: Original Compensation claim was filed for a PACT Act presumptive condition within 1 year of the date the PACT Act was signed into law

What Actions Need To Be Taken: Submit a VA Form 21-526EZ claiming the PACT Act presumptive condition. On the VA Form 21-526EZ in Section IV: Claim Information, the box states: "If due to exposure, Event, or Injury, Please Specify", for this you will write **Toxic Exposure**. Additionally in Section IV it states: "Explain how the disability(ies) relates to the in-service event/exposure/injury, here you will write **Service in (xxxx).**

Effective Date: The effective date will be August 10, 2022 – the date the PACT Act was signed

Scenario 2: Original Compensation claim for a newly added Pact Act Presumptive condition was filed after 1 year of the law change

What Actions Need To Be Taken: Same actions as Scenario 1

Effective Date: The effective date will be the date the claim was submitted.

Scenario 3: Intent to File was submitted within 1 year of the PACT Act being signed into law and a compensation claim for a newly added PACT Act Presumptive condition is filed within 1 year of the ITF.

What Actions Need To Be Taken: Same actions as Scenario 1

Effective Date: The effective date will be August 10, 2022. This is due to the ITF preserving the date of law change as the effective date and the claim was submitted within the ITF window.

Scenario 4: Veteran was denied benefits for a PACT Act presumptive condition prior to the PACT Act being signed into law.

What Actions Need To Be Taken: Submit VA Form 20-0995 with a VA Form 21-4138 stating:

> *(Veteran's Name) has previously filed a claim for (condition) and this claim was denied on (date) due to (reason for denial). (Veteran's name) served in (location) from (dates of service in that location) and is now eligible for presumptive service connection under the PACT Act of 2022. Please accept this statement in conjunction with the law change as new and relevant evidence and review the veteran's claim for (condition). Your attention to this matter is greatly appreciated.*

VA Form 20-0995 in Part II box 13A states to list the specific issues on appeal. Here you will write the condition and *"Please see attached 21-4138 to satisfy requirement for new and relevant evidence."*

Effective Date: The effective date will be August 10, 2022 or 1 year prior to the filing of the claim, whichever is later. The effective date cannot be earlier than August 10, 2022.

PACT Act Related Effective Date Scenarios

Survivor Benefits Claims

Scenario 5: Dependency Indemnity Compensation (DIC) claim was filed and denied *BEFORE* the PACT Act was signed.

What Actions Need To Be Taken: Submit A VA Form 21P-534EZ claiming DIC benefits, along with the death certificate and a VA Form 21-4138 explaining the surviving spouse was previously denied for DIC but is now eligible under the PACT Act.

Effective Date: The effective date will be the date the original DIC claim was filed.

Scenario 6: Dependency Indemnity Compensation (DIC) claim filed *AFTER* Pact Act was signed.

What Actions Need To Be Taken: Submit A VA Form 21P-534EZ claiming DIC benefits, along with the death certificate showing the veteran passed away from a PACT Act Presumptive condition.

Effective Date is: The effective date will be August 10, 2022 or 1 year prior to the filing of the claim, whichever is later. The effective date cannot be earlier than August 10, 2022.

Scenario 7: Intent to File was submitted within 1 year of the PACT Act being signed into law and a DIC claim for a newly added PACT Act Presumptive condition is filed within 1 year of the ITF.

What Actions Need To Be Taken: Same actions as Scenario 6

Effective Date: The effective date will be August 10, 2022. This is due to the ITF preserving the date of law change as the effective date and the claim was submitted within the ITF window.

When filing for an appeal of a previously denied PACT Act Presumptive, follow this example of a 20-0995 already filled in.

PART II - ISSUE(S) FOR SUPPLEMENTAL CLAIM		
13. YOU MUST LIST EACH ISSUE DECIDED BY VA THAT YOU WOULD LIKE VA TO REVIEW AS PART OF YOUR **SUPPLEMENTAL CLAIM.** *Please refer to your decision notice(s) for a list of adjudicated issues. For each issue, please identify the date of VA's decision. (You may attach additional sheets of paper, if necessary. Include your name and file number on each additional sheet.)*		
Check this box if any issue listed below is being withdrawn from the legacy appeals process. ■ **OPT-IN from SOC/SSOC**		
13A. SPECIFIC ISSUE(S)		13B. DATE OF VA DECISION NOTICE
Melanoma- Please see attached 21-4138 to satisfy requirement for new and Relevant Evidence.		DATE ▼

When filing for a PACT Act Presumptive, follow this example of a 21-526EZ requesting service connection for Melanoma due to Toxic Exposure

SECTION IV: CLAIM INFORMATION			
16. LIST THE CURRENT DISABILITY(IES) OR SYMPTOMS THAT YOU CLAIM ARE RELATED TO YOUR MILITARY SERVICE AND/OR SERVICE-CONNECTED DISABILITY*(If applicable, identify whether a disability is due to a service-connected disability; confinement as a prisoner of war; exposure to Agent Orange, asbestos, mustard gas, ionizing radiation, or Gulf War environmental hazards; or a disability for which compensation is payable under 38 U.S.C. 1151)* NOTE: List your claimed conditions below. **See the following three examples for guidance on how to complete Section IV.**			
EXAMPLES OF DISABILITY(IES)	**EXAMPLES OF EXPOSURE TYPE**	**EXAMPLES OF HOW THE DISABILITY(IES) RELATE TO SERVICE**	**EXAMPLES OF DATES**
Example 1. HEARING LOSS	NOISE	HEAVY EQUIPMENT OPERATOR IN SERVICE	JULY 1968
Example 2. DIABETES	AGENT ORANGE	SERVICE IN VIETNAM WAR	DECEMBER 1972
Example 3. LEFT KNEE, SECONDARY TO RIGHT KNEE		INJURED LEFT KNEE WHEN BRACE ON RIGHT KNEE FAILED	6/11/2008
CURRENT DISABILITY(IES)	**IF DUE TO EXPOSURE, EVENT, OR INJURY, PLEASE SPECIFY (e.g., Agent Orange, radiation)**	**EXPLAIN HOW THE DISABILITY(IES) RELATES TO THE IN-SERVICE EVENT/EXPOSURE/INJURY**	**APPROXIMATE DATE DISABILITY(IES) BEGAN OR WORSENED**
1. Melanoma	Toxic Exposure	Service in (List where deployed)	Date