

VA Benefits and Asbestos Illnesses

What are the Eligibility Criteria for Veterans to Receive Benefits from the VA?

Eligibility for most VA benefits is based upon discharge from active military service under other than dishonorable conditions. Active service means full-time service, other than active duty for training, as a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or as a commissioned officer of the Public Health Service, Environmental Science Services Administration or National Oceanic and Atmospheric Administration, or its predecessor, the Coast and Geodetic Survey.

What Kind of Compensation are Veterans Entitled to if They Have a “Service Connected” Disability?

When veterans are diagnosed with a disability that is "service-connected", the primary VA benefit that they are entitled to is Disability Compensation. To apply for Disability Compensation, veterans need to fill out a VA 21-526EZ form (*Application for Disability Compensation*) and file it with the Regional VA Office in their State.

Do I Have to Prove I Was Exposed to Asbestos in the Military to Get Approved?

You don't have to prove that you were exposed, but you do need to take some additional steps to justify your claim. The VA will determine whether your Asbestos Illness is service related primarily by looking at your service record and in the answers that you provide to the VA regarding your exposures to asbestos both in, and out of the service. If the VA believes that it is at least as likely as not, that your asbestos illness was caused by your military exposure, rather than your civilian exposure, they will approve you. The key to getting approved lies in writing a detailed exposure summary that convinces the VA that the majority of your exposure came from your military service. Our Veteran's Patient Advocates are well versed in writing these summaries and will assist you in determining how you were exposed and will help you write your exposure summary.

What Diseases are Recognized by VA as Being Caused by Asbestos?

The VA acknowledges that inhalation of asbestos fibers can produce:

- fibrosis, the most commonly occurring of which is interstitial asbestos pulmonary fibrosis
- asbestosis
- tumors
- pleural effusions and fibrosis
- pleural plaques
- mesothelioma of pleura and peritoneum
- cancers of the
 - lung
 - bronchus
 - gastrointestinal tract
 - larynx
 - pharynx, and
 - urogenital system, except the prostate.

NOTE: Generally speaking, a doctor must state in writing that an illness is “at least as likely as not” to have been caused by asbestos. The exceptions are asbestosis and mesothelioma which are accepted by the VA as ONLY caused by asbestos.

What Factors will the VA Consider when Making a Decision on My Asbestos Claim?

When adjudicating a claim for service connection for a disability resulting from exposure to asbestos, the VA will:

- determine whether or not service records demonstrate the veteran was exposed to asbestos during service
- ensure that development is accomplished to determine whether or not the veteran was exposed to asbestos either before or after service, and
- determine whether or not a relationship exists between exposure to asbestos and the claimed disease, keeping in mind latency and exposure factors

What is a Veterans Service Representative and what does he/she do?

Veteran Service Representatives are advocates accredited by the VA to assist veterans in filing for VA benefits with the US Department of Veterans Affairs. Veteran Service Officers (VSO), and [Veteran Claims Agents \(VCA\)](#) all perform essentially the same function, but for different organizations. The difference lies solely in how they are accredited by the VA. A Veteran Service Representative can assist a veteran in filling out paperwork, ensuring it is complete and correct before it is filed, and can help track the claims progress. We advise veterans not to deal directly with the VA but to work through an accredited representative, who is an expert in the claims process and can act as a guide in an often-complex ordeal. Our Veteran's Patient Advocates can help get you in contact with your local VSO.

What Paperwork do I need to file a Disability Compensation Claim with the VA?

In order to apply for Disability Compensation, veterans need to provide the VA the following items:

1. VA Form 21-526EZ
2. VA Form 21-686c (if currently married)
3. DD 214 (Discharge paperwork). If the veteran no longer has this, your VSO can assist in obtaining a copy from the National Personnel Records Center.
4. Exposure Summary detailing the veteran's asbestos exposure history
5. Copies of ALL pertinent civilian medical records OR a signed medical release allowing the VA to request those records. This form is called a VA 21-4142.
6. If the veteran is married, a copy of the marriage certificate or license
7. If the veteran is divorced or widowed, documentation proving that fact

How much will the VA Pay me in Disability Compensation?

The VA pays Disability Compensation based on the awarded disability rating. Ratings range from 0% to 100% in 10% increments. For mesothelioma and lung cancer, the VA can only award a 100% rating if the veteran is approved. For all non-cancerous asbestos illnesses, the VA will award a rating based on the results of the veteran's Pulmonary Function Test, which the VA will administer if the veteran has not already had one performed by their primary care physician. In addition to the veteran's disability rating, the VA also considers the veteran's dependent status when determining the amount of disability compensation which will be paid. To determine how much you will receive, you can look that amount up on the [VA's Compensation Ratings Tables](#).

What Does the VA Do After It Receives my Claim?

After the VA receives the *Application for Disability Compensation*, it sends the veteran a letter explaining what they have received. The veteran will be asked about asbestos exposure during their time on active duty, as well as before and after active duty, if they have not already provided a detailed exposure summary.

What does the VA Do After Obtaining All Necessary Records?

After the Rating Veterans Service Representative has attempted to secure all the records (or evidence) required by law (including the report of any examinations), he/she reviews the file and makes a decision on the claim according to the law and the particular facts in your case. In the rating decision, the Rating Veterans Service Representative lists the evidence, the decision, and the reasons for it. The VA then sends the decision with a cover letter. If benefits are granted, the letter provides the monthly payment amount and the effective date. Payments usually begin soon after the letter is received. Benefits are paid back to the 1st day of the month after the date that the VA received the original claim. However, if benefits are not granted and the veteran believes there is an error (or simply disagrees with the disability percentage determination), they can file an appeal.

What is Dependency and Indemnity Compensation (DIC) and Who is Eligible to Receive It?

DIC is a benefit paid to the surviving spouse and/or dependent children of a veteran who dies from a service connected disability. For a survivor to be eligible for Dependency and Indemnity Compensation (DIC), the veteran's death must have resulted from one of the following causes:

1. A disease or injury incurred or aggravated in the line of duty while on active duty or active duty for training.
2. An injury incurred or aggravated in the line of duty while on inactive duty training.
3. A service-connected disability or a condition directly related to a service-connected disability.

Spouses receive a basic monthly payment of \$1,215 plus an additional payment for dependent children, if they require aid and assistance, or if they are housebound. For more information, ask your VSR.

Will a legal case against an asbestos company affect my VA benefits?

No. The VA does not consider any money you may be awarded from a lawsuit, or from an asbestos company's bankruptcy trust fund. The VA's primary financial concern is that you do not "double-dip" on a benefit.

You cannot receive money from the government twice for the same illness. The VA will consider your financial situation when the benefit for which you are applying is based on your income level, such as a VA Pension. The VA Disability Compensation amount is not based on income level or assets. Any assets acquired through the legal system have no effect on disability benefits.