VSO TRAINING LECTURE · P.L. 117-168

PACT Act & DIC

What Surviving Spouses Must Know

A VSO Training Lecture on Presumptive Conditions, Denied Claims, and How to Fight Back

Enacted August 10, 2022

38 U.S.C. §§ 1112, 1116, 1116A, 1116B

For VSOs & Surviving Family Advocates

VA SURVIVOR BENEFITS

Dependency and Indemnity Compensation (DIC) — **The Basics**

$1,699.36

Effective Dec. 1, 2025 · 2.8% COLA applied

PER MONTH — TAX FREE

Base monthly payment to an eligible surviving spouse; additional amounts apply for dependent children, Aid & Attendance, and the 8-year provision.

100% TAX EXEMPT

3

SURVIVOR CATEGORIES

DIC is payable to three distinct classes of survivors, each with specific eligibility criteria under 38 U.S.C. Chapter 13.

- Surviving Spouse
- Dependent Child
- Surviving Parent

Service-Connected

DEATH REQUIRED

The veteran must have died from a service-connected condition — or from a condition now presumptive under the PACT Act — for the survivor to qualify.

38 U.S.C. § 1310

$0

INCOME LIMIT

DIC is *not* means-tested — unlike VA Pension, it is not reduced or eliminated based on the survivor's income or assets. Any income level qualifies.

NOT MEANS-TESTED

DIC is one of the most impactful — and most underutilized — benefits available to military survivors.

SIGNED AUGUST 10, 2022 | P.L. 117-168

What the **PACT Act** Changed

Largest expansion of VA benefits in a generation — affecting millions of veterans & survivors

CRITICAL FOR VSOS
New presumptions = new DIC pathways

Burn Pit Presumptions Added

18 cancers and **12 respiratory illnesses** now presumptive for post-9/11 and Gulf War veterans — no nexus letter required.

- Brain / GBM
- Pancreatic
- Lymphoma
- COPD
- Pulmonary Fibrosis
- Sarcoidosis

Agent Orange Expanded

Hypertension and **MGUS** added as presumptive conditions. Coverage extended to new exposure locations beyond Vietnam.

- Thailand
- Laos
- Cambodia
- Guam
- Johnston Atoll

Radiation Locations Expanded

Three new radiation exposure sites now covered, bringing veterans of cleanup operations into VA presumptive eligibility for the first time.

- Enewetak Atoll
- Palomares, Spain
- Thule, Greenland

Retroactive DIC Re-Evaluations

Previously **denied claims** can be reopened under the PACT Act. Earlier effective dates possible — survivors should not wait for VA outreach.

- File 21-0995
- Back to Aug 10, 2022
- No waiting

The PACT Act (P.L. 117-168) is the **largest expansion of VA benefits in a generation** — every VSO must understand how it reshapes DIC eligibility for surviving spouses.

HOW IT WORKS · PROCESS OVERVIEW

Presumptive Conditions — The Key to Unlocking DIC

1 STEP ONE

Qualifying Service

Veteran **served in a covered location** during a covered period. Service location and dates are the threshold requirement.

No exposure documentation required at this stage — only proof of service.

e.g., Southwest Asia after Aug 2, 1990 · Vietnam · Radiatic

2 STEP TWO

Presumptive Condition Diagnosed

One of the **VA's listed conditions** — cancer, respiratory illness, etc. — is diagnosed in the veteran.

No nexus letter required. No proof of exposure needed. The law presumes the connection.

Burn pit cancers · Respiratory illness · Agent Orange condi

3 STEP THREE

Veteran Dies from That Condition

Death certificate lists the **presumptive condition as cause** — or contributing cause — of death.

If not explicitly listed, a medical opinion can still establish the connection as a contributing factor.

Death certificate · Autopsy if available · Medical records

4 STEP FOUR

Surviving Spouse Files DIC

VA **must grant DIC** without requiring a nexus opinion. The presumption of service connection **transfers directly** to death benefit eligibility.

File **VA Form 21P-534EZ** — within one year of death for the earliest effective date.

Tax-free monthly payment · No income limit · No nexus needed

CRITICAL POINT FOR VSOS

If the veteran was **never service-connected before death**, the survivor can **STILL establish service connection through the death claim itself** — a denied or never-filed veteran claim is NOT a barrier to DIC eligibility.

What Conditions Are Presumptive Under the PACT Act?

BURN PIT / TOXIC EXPOSURE

POST-9/11 & GULF WAR VETERANS

18 CANCERS — PRESUMPTIVE

- Brain & glioblastoma multiforme
- Pancreatic cancer
- Non-Hodgkin's & Hodgkin's lymphoma
- Melanoma & squamous cell carcinomas
- Reproductive cancers (cervical, uterine, ovarian, prostate)
- Respiratory cancers (laryngeal, pharyngeal, bronchial)
- Head, neck, salivary gland cancers

12 RESPIRATORY CONDITIONS

- COPD & chronic bronchitis
- Asthma (post-service onset)
- Interstitial lung disease
- Pulmonary fibrosis & sarcoidosis
- Constrictive / obliterative bronchiolitis
- Respiratory bronchiolitis; hypersensitivity pneumonitis

AGENT ORANGE — UPDATED

EXPANDED CONDITIONS & NEW LOCATIONS

NEW CONDITIONS ADDED BY PACT ACT

- Hypertension — now presumptive for Vietnam-era veterans
- MGUS (Monoclonal Gammopathy of Undetermined Significance)
- All prior Vietnam presumptives remain in effect

NEWLY COVERED LOCATIONS

- Thailand 1962–1976
- Laos 1965–1969
- Cambodia April 1969
- Guam / American Samoa 1962–1980
- Johnston Atoll 1972–1977

No nexus letter required — qualifying service location triggers the presumption.

RADIATION EXPOSURE — NEW SITES

ADDED UNDER PACT ACT P.L. 117-168

3 NEWLY COVERED LOCATIONS

Enewetak Atoll Cleanup
1977–1980 · Marshall Islands nuclear test site remediation

Palomares, Spain B-52 Cleanup
Jan 1966 – Mar 1967 · Nuclear weapon recovery after aircraft crash

Thule Air Force Base, Greenland
Jan – Sep 1968 · B-52 nuclear accident cleanup operations

COVERED RADIATION DISEASES

- All 21 covered radiogenic diseases apply (38 CFR §3.309(d))
- Leukemia, thyroid, breast, lung, bone, GI tract cancers
- Dose-independent — service at site is sufficient

DD-214 + deployment records confirm location — buddy statements accepted as corrobora

Gulf War Undiagnosed Illnesses: *No December 31, 2026 cutoff under PACT Act Section 405 — claims may be filed without expiration.*

The Denial Problem: Before vs. After the PACT Act

WHY DIC CLAIMS FAILED — AND WHAT THE LAW FINALLY FIXED

BEFORE PACT ACT

WHY CLAIMS WERE DENIED

- **No nexus = no benefit** — spouses had to prove service connection without a medical opinion
- **Narrow exposure locations** excluded many veterans who served in uncovered regions
- **Hypertension & MGUS not recognized** for Agent Orange — common conditions left uncompensated
- **Burn pit exposures absent** from presumptive list — post-9/11 veterans had no pathway
- **Gulf War illness cutoff date** barred claims filed after Dec 31, 2021
- **Surviving spouses bore full burden of proof** — VA required documented evidence at every step
- **Many veterans died never service-connected** — leaving widows with no legal path to DIC

VS

AFTER PACT ACT

WHAT CHANGED — P.L. 117-168

- **Expanded presumptives eliminate nexus** — no medical opinion required for covered conditions
- **New locations now covered** — Thailand, Laos, Cambodia, Guam, Johnston Atoll, and more
- **Hypertension & MGUS now recognized** as Agent Orange presumptives — thousands newly eligible
- **Burn pit cancers & respiratory illness covered** — 18 cancers and 12 conditions added for post-9/11 veterans
- **Retroactive re-evaluation possible** — earlier effective dates available for previously denied claimants
- **VA required to contact previously denied claimants** — proactive outreach mandated under the law

Survivors do *NOT* need to wait for VA outreach — file a Supplemental Claim proactively using VA Form 21-0995

EVERY PREVIOUSLY DENIED DIC CLAIM SINCE 2010 MUST BE SCREENED FOR PACT ACT ELIGIBILITY — RETROACTIVE BENEFITS ARE AT STAKE

THE CONNECTION — VETERAN'S PRESUMPTIVE → SPOUSE'S DIC

Tracing the Claim: From Service to Survivor Benefit

1 — SERVICE PERIOD

Military Service in Covered Location

e.g., Deployed to **Iraq 2003–2005** — served near open burn pits (Southwest Asia covered location under PACT Act)

2 — DIAGNOSIS

Veteran Develops Presumptive Condition

e.g., **Lung cancer diagnosed 2018** — listed on PACT Act burn pit presumptive list. No nexus letter required to establish service connection.

3 — DEATH EVENT

Veteran Dies

Death certificate lists **lung cancer as cause or contributing cause** of death — this is the critical link to service-connected death eligibility.

4 — ACTION REQUIRED

Surviving Spouse Files DIC — VA Form 21P-534EZ

File **within one year of death** for earliest effective date. Submit via QuickSubmit at benefits.va.gov/quicksubmit for fastest processing.

5 — ✓ DIC AWARDED

VA Grants Service-Connected Death — DIC Awarded

No nexus letter needed. Monthly tax-free payment begins — typically $1,600+/month. Presumption transfers from veteran's condition to surviving spouse's benefit.

CRITICAL POINT

Even if the veteran **NEVER filed a disability claim**, the survivor can **establish service connection** through the DIC claim itself.

WHY THIS PATHWAY WORKS

- ✓ **Presumption transfers.** Service connection established via presumptive condition — not individual proof of nexus.
- ✓ **No nexus letter required** when cause of death matches a PACT Act presumptive condition.
- ✓ **File within 1 year of death** to secure earliest possible effective date and avoid losing retroactive benefits.
- ✓ **Death certificate is key.** If the presumptive condition isn't listed, a medical opinion may still connect it — don't give up.

PRIMARY FORM

VA Form 21P-534EZ

Application for DIC by Surviving Spouse

Retroactive Claims: What VSOs Must Know

Effective Dates & Retroactivity — PACT Act P.L. 117-168

SECTION 1

Standard Effective Date Rule

- DIC is effective the **date VA receives the claim**, or up to **one year prior** if filed within one year of the veteran's death
- Filing within **one year of death** locks in the earliest possible effective date — every delay costs real money

- Under PACT Act, earliest possible retroactive date is **August 10, 2022** — the date of enactment — for newly covered conditions

Claims filed after Aug. 10, 2022 can reference the enactment date as the effective date anchor for PACT-eligible conditions

SECTION 2

Retroactive Re-Evaluation of Denied Claims

- Previously denied DIC claimants **may elect a re-evaluation** under PACT Act via VA Form 21-0995 (Supplemental Claim)
- If granted, effective date **can be earlier than August 10, 2022** in some circumstances — check **38 CFR** and VBA Letter 20-24-06

- Survivors do **NOT** need to wait for VA to contact them — **proactive filing is always preferred**

Note **"PACT Act re-evaluation"** explicitly in question 7A of the Supplemental Claim form to trigger proper routing

⚡ SECTION 3 — URGENT

Do NOT Wait

- **Every month of delay is money the survivor can never recover.** Retroactive benefits are not banked — they are permanently lost
- VSOs must **screen ALL previously denied DIC cases** immediately for PACT Act eligibility — especially denials since 2018

- Do not wait for VA outreach — **VA notification is not guaranteed**, and proactive filing protects the client's interest

Maintain a **PACT Act screening log** for all DIC clients — document review dates and outcomes for each case

📋 **Required Reading for VSOs: VBA Letter 20-24-06 (June 2024)** contains the authoritative, updated processing guidance for all PACT Act DIC claims and reevaluations — **read it before filing any PACT Act DIC case.**

Building the DIC Claim File — Evidence Checklist

01

Death Certificate

Must list the claimed condition as **cause or contributing cause** of death. If not listed, a medical opinion may still establish the connection.

02

Service Records (DD-214)

Confirms **qualifying service period and location**. Essential for establishing the veteran served in a covered area during a covered period.

03

Deployment Records / TERA

Establishes physical **presence in a covered toxic exposure location**. DPRIS records, unit histories, and credible lay statements all qualify.

04

Medical Records

Diagnosis of the presumptive condition, treatment dates, and autopsy report if available. Pathology reports strengthen the nexus to cause of death.

05

Marriage Certificate

Proves **legal relationship to the veteran**. Include divorce records if previously married. Remarriage rules apply — see age 55+ exception (post Jan 5, 2021).

06

VA Form 21P-0537

Verification of Marital Status. May be mailed by VA automatically or submitted proactively. Do not wait — submit it with the initial DIC package.

Burn Pit Presumptives: No nexus letter or buddy statement is required if the condition is on the PACT Act list and the veteran's service location qualifies. The presumption is automatic.

Critical Forms for DIC and PACT Act Re-Evaluations

VA FORM 21P-534EZ

Application for DIC, Death Pension, and/or Accrued Benefits

By a Surviving Spouse or Child

- Primary form for all new DIC claims by surviving spouses
- Available online at VA.gov
- File within one year of death for earliest effective date

✓ NEW CLAIMS — START HERE

VA FORM 21-0995

Decision Review Request: Supplemental Claim

Re-evaluation of previously denied DIC claims

- For survivors seeking PACT Act re-evaluation of a denied claim
- Clearly note PACT Act re-evaluation in Section 7A
- Fastest pathway — do NOT use HLR without new evidence

✓ DENIED CLAIMS — REOPEN

VA FORM 21P-535

Application for DIC by Parent(s)

For surviving parents — not spouses or children

- Used by surviving parents filing new PACT Act DIC claims
- Select "Yes" under Question 15 for PACT Act re-evaluation
- Income-based benefit — different eligibility rules than spouse DIC

✓ PARENTS ONLY — Q.15 PACT ACT

VA FORM 21P-0537

Verification of Marital Status

Required proof of relationship to veteran

- Required to prove legal relationship to deceased veteran
- May be mailed by VA or submitted proactively
- Can also be verified online — don't wait for VA to send it

✓ SUBMIT PROACTIVELY

⚡ ELECTRONIC FILING TIP

Submit all forms electronically via **QuickSubmit (benefits.va.gov/quicksubmit)** — fastest receipt confirmation and real-time tracking. Paper submissions add weeks of processing delay.

PROCESS STEPS | PACT ACT DIC RE-EVALUATION

How to Reopen a Denied DIC Claim Under PACT Act

Key Form: VA 21-0995 · Cite: P.L. 117-168

1 Screen the Case

Review the **prior denial reason** carefully. Ask: Is the veteran's condition now **presumptive under PACT Act**? Was the service location (e.g., Southwest Asia, Thailand, Guam) now covered? Pull the rating decision and C-file for full context.

C-File Review | Rating Decision

2 Gather New or Relevant Evidence

Obtain: **updated death certificate notation**, **deployment records** confirming covered toxic exposure location (DPRIS/unit histories), and **medical records** documenting the presumptive diagnosis and treatment dates.

DD-214 | DPRIS Records

3 Choose the Right Pathway

Supplemental Claim (VA Form 21-0995) is the fastest route — select the PACT Act re-evaluation option in **Question 7A**. Do **NOT** use a standard Higher-Level Review (HLR) if there is no new and relevant evidence.

21-0995 | Question 7A

4 File and Document Submission

Use **QuickSubmit** (benefits.va.gov/quicksubmit) for electronic filing and retain your confirmation receipt. Include a **cover letter explicitly citing PACT Act P.L. 117-168** re-evaluation — this signals to the rater and creates a clear record.

QuickSubmit | Cover Letter

5 Track and Follow Up

Monitor **VA.gov claim status** regularly. C&P exam *may be waived* for presumptive conditions — do not assume one is required. If denied again, **escalate to CAVC appeal**. Document every contact with VA in the client file.

VA.gov Status | CAVC Appeal

VSO PRO TIP

Maintain a PACT Act Screening Log for all DIC clients going back to **2018** — this is the earliest practical window for identifying veterans who developed presumptive conditions post-service but prior to PACT Act enactment.

KEY REFERENCE

VBA Letter 20-24-06 (June 2024) is the authoritative processing guidance for PACT Act DIC re-evaluations. Read it before filing any supplemental claim.

EFFECTIVE DATE RULE

File within **1 year of death** for earliest effective date. Under PACT Act, the earliest possible date is **Aug 10, 2022** — the date of enactment.

No Nexus Letter Needed — Presumptive Applies

STATUTORY AUTHORITY

38 U.S.C. §§ 1112, 1116A, 1116B
38 CFR Part 3 · P.L. 117-168

■ Supplemental claims are processed faster than direct review — always lead with 21-0995 for PACT Act re-evaluations

VSO STRATEGY

How VSOs Should Present PACT Act DIC Claims

CLAIM PRESENTATION STRATEGY

Lead with the Presumption, Not the Nexus

- Do NOT order or reference a nexus letter for a presumptive condition — it signals confusion and muddies the record.
- State plainly: "The presumption of service connection applies under the PACT Act."
- The VA cannot require a nexus opinion when a statutory presumption covers the condition.

`38 U.S.C. §§ 1112 · 1116 · 1116A · 1116B`

Verify the Service Location First

- Pull DPRIS records, unit histories, or deployment orders to confirm covered location.
- VA must accept credible lay statements for location when official records are unavailable — buddy statements and personal affidavits qualify.
- Location is the threshold threshold element — confirm it before everything else in the file.
- Common covered areas: Southwest Asia post-Aug 2, 1990; Vietnam; Thailand; Laos; Guam; radiation sites.

Common VSO Mistakes to Avoid

- Filing a supplemental claim without explicitly noting PACT Act re-evaluation in Question 7A.
- Failing to request retroactive effective date — every unclaimed month is unrecoverable.
- Not citing 38 U.S.C. § 1116A / § 1116B or VBA Letter 20-24-06 in the submission cover letter.
- Missing or incomplete marriage documentation — the legal relationship must be proven.
- Overlooking remarriage rules — age 55+ remarriage after Jan 5, 2021 does NOT bar DIC.

Talking Points for Surviving Spouses

- ✓ You do NOT have to prove your spouse caused the illness — the law presumes it.
- ✓ You CAN re-apply even if you were denied years ago — PACT Act opened the door again.
- ✓ You should file NOW — every month of delay is money you can never recover.
- ✓ VA is legally required to attempt to notify you — but do NOT wait for that letter.

★ FINAL TAKEAWAYS — PACT ACT & DIC ★

Key Takeaways — What to Do Monday Morning

For VSOs Working with Surviving Spouses and Veteran Families

1 Screen Every DIC Denial Since 2010

Review all prior denials for **burn pit, Agent Orange, and radiation** cases — many are now eligible under PACT Act presumptions. Do not wait for VA to contact your clients.

2 File Supplemental Claims NOW

Do **not wait** for VA outreach — retroactive benefits are at stake. Every month of delay is money the survivor can never recover. File proactively and document submission.

3 Lead with Presumptions — No Nexus Needed

Never order a nexus letter for a listed presumptive condition. Cite the statute directly: **38 U.S.C. §§ 1116A and 1116B**. The law does the work — state the presumption applies.

4 Verify the Veteran's Service Location

Use **DPRIS records, unit histories, or credible lay statements** to confirm service in a covered location. This is the key threshold — the presumption flows only from qualifying service.

5 Know the Critical Forms

21P-534EZ for new DIC claims · **21-0995** for re-evaluations · **21P-535** for parents. File electronically via **QuickSubmit** at benefits.va.gov/quicksubmit for fastest receipt and tracking.

6 Bookmark VBA Letter 20-24-06 (June 2024)

This is the **authoritative claims processing guide** for PACT Act DIC cases. Read it, reference it in every filing, and cite it when escalating to CAVC appeal.

RESOURCES | **va.gov/PACT** | **va.gov/disability/dependency-indemnity-compensation** | **benefits.va.gov/quicksubmit**

VSOs can make a real difference for these families.