

## Military OneSource Podcast — VA PACT Act

### Episode transcript

#### Intro voiceover:

Welcome to the Military OneSource Podcast. Military OneSource is an official program of the Defense Department with tools, information and resources to help families navigate all aspects of military life. For more information, visit [militaryonesource.mil](https://militaryonesource.mil).

#### Bruce Moody:

Welcome to the podcast, I'm Bruce Moody. The Department of Veterans Affairs recently expanded health care and benefits to veterans exposed to burn pits, Agent Orange and other toxic substances. This was done through a new law called the VA PACT Act. Our guest today will get into the details of the new law and how to access the care and benefits that it provides. Kaitlin Richards is Assistant Director of the Office of Policy and Oversight at the Department of Veterans Affairs and joins us today. Kaitlin, welcome to the podcast.

#### Kaitlin Richard:

Thanks Bruce. I really appreciate this opportunity to speak with everybody today.

#### Bruce Moody:

We appreciate you being with us. So go ahead for us and please tell us what is the VA PACT Act?

#### Kaitlin Richard:

Sure. So the PACT Act is actually, the full title is the Sergeant First Class Heath Robinson Promise to Address Comprehensive Toxics Act of 2022. This law was signed on Aug. 10 of 2022, and the Act provides significant expansion of VA health care and benefits for veterans exposed to burn pits and other toxic substances. What it really does is that it empowers VA to provide generations of veterans, their survivors with the care and benefits that they've earned and deserved. And we're really excited about the passing of the PACT Act and this opportunity to discuss all of the expansive benefits through the PACT Act.

#### Bruce Moody:

How does the PACT Act extend eligibility for VA Health Care to different eras of veterans?

**Kaitlin Richard:**

So the PACT Act, what it did is that it actually addresses benefits for the Vietnam-era veterans, Gulf War-era veterans, post 9/11 veterans through today. It opened an opportunity and a greater opportunity for health care enrollment, specifically with the special enrollment period for health care going on now for post 9/11 veterans. And that period of enrollment goes from Oct. 1, 2022, through Oct. 1 of 2023. And so we are coming up on that deadline, and so I encourage specifically our post 9/11 veterans as well as all veterans that this has opened up an additional enrollment period, and we encourage all veterans to come forward and consider enrolling in VA health care.

Some of the benefits of VA health care is that you are along and amongst other veterans who have similar or different ailments from what you are suffering or working through, but also, it gives a chance of some services can be offered for free. If you are service-connected for your disability, your health care to some extent can be covered or free. And there's a lot of other benefits to coming into the VA Health Care System. So I encourage, if you're not ready to do it yet, go online, take a look at our websites, do some research independently and make that decision to choose VA for the VA health care.

**Bruce Moody:**

One of the questions that comes up a lot is for a veteran, if a veteran applies for VA benefits, does he or she displace another veteran already receiving care?

**Kaitlin Richard:**

Yeah, and Bruce, I'm so glad you brought that up because I see this very frequently in all of the positions that I've had an opportunity to serve in. My favorite part of the job is working directly with veterans, having those one-on-one conversations with the veteran, their family, their caregiver, whomever it might be, and explaining that. So I've seen a lot in the past where we have a veteran who doesn't want to apply for benefits, especially our older generation of veterans who don't want to come forward or apply because they're afraid to take that benefit from someone else. But in reality, everyone is entitled and should be encouraged to apply for the benefits that they have earned and deserve to apply and get connected for those themselves.

So although we hear this frequently, they don't want to take it from somebody else. It's not like one person gets it and the other one loses it. The benefits are available to everybody who has earned and is entitled to receive them.

**Bruce Moody:**

Now, we know that the VA did a big media blitz saying, "You have to apply by Aug. 9, and we're obviously past that date." So what are the implications of applying for benefits after Aug. 9?

**Kaitlin Richard:**

Yeah, so personally, I had the opportunity to brief over 4,000 veterans that worked in different employment offices and various federal offices, to be able to answer questions and talk about the PACT Act. And we did a really big push before Aug. 9 because that was about one year from the date that we signed the law. Again, we signed the law on Aug. 10 of 2022. So, there are special circumstances where we are allowed to backdate the effective date for any benefits being paid back to that earlier effective date.

However, we did actually end up extending it a little bit further to Aug. 14, but any veteran who applies for benefits on or after Aug. 15 of 2023 will still be able to get benefits. And we strongly encourage everybody who believes they have a condition related to their military service does apply for benefits, but their benefits will most likely be dated if granted, based off of the date that they applied for benefits. So a common misconception is that their benefits will be active from their release of active duty.

However, that is true if they apply for benefits within one year from their release of active duty. But more often than not, we grant benefits based off of the date that they applied for benefits. So again, just to reiterate, what's important is that anybody applying now in today is still going to be able to be service-connected for any disabilities that are related to their service. It'll just be the effective date that is the change.

**Bruce Moody:**

Great. Thanks for addressing that. Now, the website, and we'll put a link in the program notes. Is the website the only way to apply for PACT Act benefits? What about for those who can't get online?

**Kaitlin Richard:**

Yeah, and we have a lot of veterans who come to us and ask that question or ask for help and assistance. And so online is one opportunity to go on, complete the application. There will be some guiding questions and again, too, if you're online completing that application and you're not sure how to answer that question, you can contact us by phone, and we can help answer those questions and walk you through that application through 1-800-MyVA411, and we'll make sure we share that out too.

But if you're uncomfortable using the computer, you don't have internet access, we actually have regional offices in each of the states where you can go in and meet with a public contact representative who can help the individual complete that claim. We also have opportunities through our veteran service organizations. Some common names that you may hear with those VSOs would be Disabled American Veterans, American Legion, Veterans of Foreign Wars and lots of other free organizations who have individuals who train with VA very frequently and are able to help an individual complete that form, complete that application and help them with that.

We also have a further opportunity where you could actually schedule an appointment either virtually or to go and meet in person at our Benefits Offices, and that's through one of our link called Vera. We'll make sure that we include that as well, and they can schedule to have an online meeting to meet with somebody who can help walk them through that application. I think the hardest part is going online if you want to do it that way, going online and sitting down to do it. But once we walk you through that process or you have somebody there willing to help you, it's not as cumbersome or overbearing as it sounds like, to some people where they're intimidated by it.

**Bruce Moody:**

If a veteran already has a disability rating, how could they benefit from the PACT Act, and should they go ahead and apply?

**Kaitlin Richard:**

Absolutely, Bruce, they should come in and apply for any disability that they believe is related to their military service. This is important because even if a veteran has some disabilities that are rated at 0% or 50%, each individual disability that they're rated for entitles them to health care for that disability and could increase their overall rating, which would give them possibly opportunities to additional access or health care or further assistance that they may need in the future. It is important even if they're already at a 100% disability, to still apply for any conditions that they may not already be service-connected for, especially if it falls on our presumptive list. Because what that could do again is entitle them to further benefits. We have a certain benefit called Special Monthly Compensation, which is a higher monthly amount that is paid out to veterans for that disability.

And again, towards the future if the veteran passes away from that diagnosed condition. So let's say they have a heart condition they pass away because they have a heart attack. If that is true, then their survivors and their spouse may be entitled to receive dependency indemnity compensation, or what we often refer to as DIC, which your spouse would be able to continue to receive benefits after the passing of the veteran.

So I like to remind veterans again, especially those who are hesitant to apply, there's paperwork, they have to attend examinations. Why are they doing this? It's not about you necessarily, if that's what you need to hear. This could be about benefits and entitlement for your spouse potentially for the future if your future cause of death is because of your service-connected conditions.

**Bruce Moody:**

I have to say, I'm really glad that we're going through these questions here and as you alluded to before, a lot of these questions are questions that you hear over and over again as you're out in the community speaking with veterans. So I hope that we're addressing people's concerns. People of course, are welcome to use the... We have a link in the program notes. People can send us a note with the questions that they may have regarding their benefits or how to apply.

Let's move on and let's continue. If a veteran applies for new PACT Act benefits, will the VA decrease their current rating?

**Kaitlin Richard:**

Thanks. This is actually what you just alluded to in the sense of we get a lot of these questions very frequently. As I mentioned before, I specifically with my team have briefed over 4,000 individuals over the course of the last couple of months, specifically about PACT. And this question comes up very often because there's a concern that says, "Oh, the VA doesn't want to give me the benefits, they're going to decrease my benefits." I will tell you it is very infrequent that we decrease the veterans' benefits, and especially if you're coming in and applying for new conditions related to the PACT Act and the presumptives that we released, or even if you're coming in to apply for an increase in benefits because you believe your disability has gotten worse, we will not go and decrease your benefits. It's important to note that over 56% of the Veterans Benefits Administration workforce are veterans themselves. They are here to serve veterans, they want to help veterans get connected.

And even though there are those of us out there such as myself who is a spouse to my husband, he is a Navy chief, go Navy, I'll put that out there, although I support all services and all branches of service. But again, no one is out there trying to decrease the veterans' benefits and they should not be concerned about that. More often than not, and what we really see, we have the data behind this too, is that we are increasing benefit or we'll just maintain it at what it currently is. Very rarely are we decreasing benefits if somebody is coming in.

**Bruce Moody:**

Got it. Well, since you did bring the GOAT locker into the conversation, I will identify myself as a retired Navy Chief as well. So do veterans who sign up for the Burn Pit Registry and go through their toxic screening automatically receive VA benefits?

**Kaitlin Richard:**

Yeah, so we often have veterans who have talked about either they go to VA health care or they come and they get their benefits, but a lot of times we'll see it too where they don't always overlap with both benefits and health care. So what's important to know is that if you already have a relationship established with the VA Hospital, filing for benefits is separate. So legally, VA is not allowed to apply for benefits on somebody's behalf. The individual or again, with support of their family or of a power of attorney needs to apply for those benefits themselves. Although we are one VA, we are connected, we have access to the VA Health Care records, we have a great relationship from the benefits administration with our hospital side as well as our cemetery partners, we cannot just automatically take those records and apply that to a veteran applying for benefits. Everyone has to make that decision themselves if they want to come forward for benefits.

To that same extent, if you are receiving benefits, you do have to separately enroll in VA Health Care. Again, it's a choice that you get to make and what we talked about earlier, just that it gives you a sense of community. There's individuals that understand, have a better understanding of

some of the stuff that our veterans are going through, but you do have to apply separately for VA health care compared to our VA benefits.

And you did talk a little bit about our Burn Pit Registry. So the Burn Pit Registry is an opportunity for veterans to sign up. It just keeps you apprised of information, the new conditions, new areas, new territories that are identified related to burn pits, but it does not automatically enroll you in health care or benefits. So that is just a notification system that we have and shares information with you regarding the Burn Pit Registry. The toxic exposure screening is what we are doing for every veteran coming into the VA Health Care System. The physician that you meet with will ask a variety of questions. It's pretty short. And just trying to get a general awareness about your exposure if you have any burn pit exposure, and they may help you identify conditions that you should apply for with benefits, but the health system is not allowed to apply for those benefits on your behalf. You do have to file an application separately with the Veterans Benefits Administration and specifically our VA form 21-526EZ, which will make sure you guys have access to that too.

**Bruce Moody:**

Thanks for that. If a veteran was exposed to burn pits but has a diagnosis that is not on the list, should they go ahead and file a claim?

**Kaitlin Richard:**

Yes. So although the PACT Act, and that's what we're here talking about today, is our biggest legislation that we have seen in a very long time, it expands benefits, it expands areas and locations where veterans may have served and had exposure to the burn pits, this is not extensive of all benefits and all diagnoses and disabilities that veterans have. So we do have other opportunities for direct service connection. If a veteran has it listed in their medical records, they have a current diagnosis and they have that nexus or that link between their current diagnosis and their military service, that is our direct service connection. We also have secondary service connection for disabilities. If you have diabetes and ultimately you develop a heart condition because of it, we have secondary service connection.

And then again, too, there are special areas and territories. If you look at the locations that were identified, this is not extensive. We have certain areas that veterans were exposed or were aware of chemical spills or other scenarios that are treated on an individual basis. So yes, the veterans should apply for benefits even if they don't see the diagnosis specifically on the list, it could be considered on direct service connection and certainly, they should file a claim for those benefits if they believe it's related to their military service.

**Bruce Moody:**

And you did mention location specifically regarding that though. For a veteran who is exposed to burn pits but served at a location not on the list, what should they do?

**Kaitlin Richard:**

So yes, veterans who are exposed to burn pits but served at a location that's not on our list, they should still apply. Even if it's not specifically on this list, you definitely want to apply, identify where you believe you had that exposure to VA, and we'll work to review your records and help to see if there is a nexus or a relationship behind your disability and your exposure that you had.

**Bruce Moody:**

All right. Now, I know you get a lot of questions from people who say, "I don't have my military records." So what should veterans do if they don't have their military records? For example, Vietnam-era veterans who don't have their service number?

**Kaitlin Richard:**

Yeah, sure. So what we find is that most veterans or a lot of veterans coming out don't have their records. And I know the population that Military OneSource serves also works with National Guardsmen, reservists and other individuals. So I say some don't come out with their records, but our National Guardsmen and reservists sometimes take all their records and nobody else has kept a copy of that behind. So in either circumstance, if you have your records but you don't think that the service kept a copy of that behind for you, please make sure you do provide us with a copy of those records. But for those who were not given a copy of their records, you just need to identify your service on our VA form 21-526EZ. You identify your periods of service, especially if you had multiple periods of service, and the VA has a duty to assist to go out to the National Personnel Records Management Center and collect those records on your behalf.

We will try multiple times to get those records and if we're unable to get them for various reasons, we will let you know and ask you if you have any copies or anything to provide to us. But upfront, you do not actually have to provide your military records to us. To address the question specifically too, for our Vietnam-era veterans who are provided a service number and you cannot locate that service number, that's okay. Most of the records that we have filed and most information that we have is filed under social security numbers. So when you're completing the application to apply for benefits, that will address the service number by having your social security number, and we should be able to identify those records on your behalf.

Again, at any point if VA is unable to identify the records, we're going to be communicating with you through letters and reaching out to you to try to ask for additional information to be able to go out and collect those records on your behalf.

**Bruce Moody:**

One of the links that we have in our program notes is regarding the PACT Act and your VA benefits. We also have the phone number to the VA in the program notes. Give us a sense of what people should encounter when they use these resources to get more information.

**Kaitlin Richard:**

So I just had an opportunity to work with a veteran completing an application. And again, that's what drives the passion behind this. A lot of us, we truly care about veterans and helping them get access to their benefits. So if you are going online and clicking through our links to it, again, we're going to have a lot of guiding questions that ask you, what's your name? What's your social security number? What's your period of service? What branch of service were you in? All questions that you will have those answers to because you had to memorize it when you were in service. So there's no real questions that VA is going to throw at you that you shouldn't automatically know those answers and be able to address for us.

The part to be prepared though when preparing to come in, apply for your application and it will save your place in line. So you do not need to worry if you come at it and you're just not prepared to complete it at that time. It will save your place. It saves it as an intent to file actually and will save your place in line for you to come back and you actually have a year to come back and complete the full application. But what I like to tell veterans to prepare when filing for their benefits is to bring a list of any of your private medical doctors that you see. If you have a cardiologist, if you have a primary care physician, have the name of that physician, have their address and then have a general idea about how long you've been seeing them so that you can list that and VA will go out to collect copies of those records.

Similar to your military records, if we're unable to obtain those records on your behalf, we will ask you to provide those to us, but we will do our best to go out and collect that information for you as long as you identify who those doctors are so we can look at those records. Also with the application, it'll ask you what are your disabilities? So if you want to take a look at the list of disabilities that you have documented with your private physician, you can look at that list. But also, again, just be comfortable with knowing what your current disabilities are and being able to write those and put them in writing as to what that is. So coronary artery disease, you could list a heart condition if you have a right knee condition. Whatever the condition is, just making sure you're identifying those individually on the application.

Digitally, you will be able to sign the form digitally because to log in, you have to use either login.gov or ID.me, there's a couple that you can connect with. You make a profile and they help verify that you are the veteran filing for those benefits, but you are able to sign your application digitally online.

Also, I do encourage, as I mentioned before, we have a lot of veteran service organizations that are free services to help veterans apply for benefits, help answer the question. Many of them have access to our VA systems [00:20:30] and can answer very specific questions about the status of your claim, where it is, looking if we received your medical records. And so I strongly, strongly encourage that every veteran works with a veteran service organization because they are fantastic partners and resources and have a lot of really good information. Also too, specifically to the state that you live in and sharing some of those state benefits that you may be entitled to.



**Bruce Moody:**

Kaitlin, thank you so much for getting into all of this, all the details of this new law and the benefits and how to access it. I think to wrap things up, what I'd like to ask for you to do is maybe just give us a picture of what people can anticipate once they begin their work with the VA? You had mentioned that a number are veterans themselves. Give us just a sense of beyond the links and the phone numbers, who's there to help them and what should they anticipate happening?

**Kaitlin Richard:**

Bruce, I've had the opportunity to work amongst the most amazing co-workers who are passionate, driven and truly care about the opportunity to help serve veterans and those individuals who signed up to serve and protect our country. Most of the people that I work with are veterans themselves. If they're not, were connected to veterans in one form or another or got connected at some point with veterans to feel and to see the importance of what VA is able to do to help change the lives of veterans.

In my role, I work amongst those who truly care so much about being able to give veterans the benefits that they have earned and deserve, because the claims that we see in front of us, the stories, the personnel record, those one-on-one interactions that we have with veterans where they can explain their circumstance, their scenario, how they got to where they are now. It really helps drive each of us who are behind the scenes working on these claims files, looking at these records, and even those of us at the higher levels who are working on the policy, the regulations, the stuff that's going to guide our future with helping veterans and serving veterans.

But truly, these individuals here working on these claims are very passionate about the work that they do, and they are real people who come and sit at work behind a computer, but often try to get those ties back to that veteran community because they really care about the work that we're able to do here at the VA and making sure every veteran is served with the benefits that they deserved if they choose to come to us and apply for them.

**Bruce Moody:**

Excellent. Kaitlin, thank you for joining us today.

**Kaitlin Richard:**

Thanks so much for this chance. I really appreciate it.

**Bruce Moody:**

So great to have you with us today, Kaitlin Richards with the Department of Veterans Affairs. I want to remind you that Military OneSource is an official resource of the Defense Department, and we want to hear from you, especially if you have any more questions, specific questions about what you've heard today. Click on the program notes. There's a link to send us a message.

Any questions, comments maybe an idea for a future episode. Always great to hear from you, and be sure to subscribe to this podcast wherever you listen to your podcast because we cover a wide range of topics to help military families navigate military life.

I'm Bruce Moody. Thank you so much for joining us today. Take care. Bye-bye.