



# NVLSP

NATIONAL VETERANS LEGAL SERVICES PROGRAM

## **Combat-Related Special Compensation Frequently Asked Questions**

**Based on**

### **Sergeant First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxics (PACT) Act of 2022**

**Updated: January 2023**

#### **Disclaimer**

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## INTRODUCTION

The [Sergeant First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxics \(PACT\) Act of 2022](#) makes it easier for some retired veterans to obtain Combat-Related Special Compensation (CRSC). The National Veterans Legal Services Program ([NVLSP](#)) provides the following frequently asked questions (FAQs) to address the changes to entitlement to CRSC that result from the recently passed PACT Act.

### **1. What is Combat-Related Special Compensation (CRSC)?**

CRSC is a disability compensation program that was created to provide additional payments to military retirees with combat-related disabilities. It is a tax free entitlement paid monthly in addition to whatever monthly military retirement and/or VA disability pay the veteran is entitled to receive. Veterans receiving Concurrent Retirement and Disability Pay (CRDP) may elect annually between CRDP and CRSC. The amount of CRSC is based on qualifying conditions and the disability ratings for those conditions assigned by the VA, among other factors.

### **2. Who is eligible for CRSC?**

To be eligible for CRSC, a veteran must be currently entitled to retired pay. To be currently entitled to retired pay, the veteran must be retired from a military service branch either for disability or for completing at least 20 years of military service (or at least 15 years if retired through the Temporary Early Retirement Authority). A veteran has been medically retired if he or she was awarded Permanent Disability Retirement (PDR) or placed on the Temporary Disability Retirement List (TDRL). If a veteran is taken off the TDRL and medically separated instead of medically retired, the veteran will no longer qualify for CRSC.

A second requirement for CRSC is that the veteran must have one or more conditions that have been service-connected by the VA. Finally, after applying for CRSC, the CRSC board must agree that one or more of these service-connected disabilities are “combat-related.”

### **3. Which service-connected disabilities qualify for CRSC?**

The key factor in deciding whether an application for CRSC should be granted is whether one or more of the veteran’s VA service-connected disabilities are combat-related. The main categories of conditions that qualify as combat-related for purposes of CRSC are Armed Conflict, Through an Instrumentality of War, Hazardous Service, Under Conditions Simulating War, Purple Heart Disabilities, and conditions for which VA has awarded presumptive service connection. The PACT Act has a major impact on the conditions for which the VA awards presumptive service connection.

#### **4. How does the PACT Act impact CRSC?**

The PACT Act greatly expands the list of medical conditions that qualify at the VA for presumptive service connection. A retired veteran already service connected for these conditions is now potentially eligible for CRSC based upon the PACT Act's presumption that the conditions are associated with burn pit exposure. If not already service connected for these conditions, retired veterans may take advantage of the PACT Act by applying for and receiving a VA award of presumptive service connection. The VA's award of presumptive service connection then makes the veteran eligible for CRSC in addition to a possible increase in VA disability compensation.

#### **5. What conditions qualify for presumptive service connection under the PACT Act or prior VA regulations?**

Most of the presumptions added by the PACT Act apply to veterans with a qualifying period of service abroad during recent wars. Under the PACT Act, this means a veteran who on or after August 2, 1990, performed active military, naval, air, or space service while assigned to a duty station in, including airspace above, in Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, Somalia, or United Arab Emirates. On or after September 11, 2001, additional qualifying duty stations are Afghanistan, Djibouti, Egypt, Jordan, Lebanon, Syria, Yemen, Uzbekistan; or any other country determined relevant by the Secretary of the VA.

For these veterans, the following conditions qualify for presumptive service connection: (1) Asthma; (2) Cancers of the following type—Head, Neck, Respiratory, Gastrointestinal, Reproductive, Lymphoma, Lymphomatic; Kidney cancer; Brain cancer; Melanoma; Pancreatic cancer; (3) Chronic bronchitis; (4) Chronic obstructive pulmonary disease; (5) Constrictive bronchiolitis or obliterative bronchiolitis; (6) Emphysema; (7) Granulomatous disease; (8) Interstitial lung disease; (9) Pleuritis; (10) Pulmonary fibrosis; (11) Sarcoidosis; (12) Chronic sinusitis; (13) Chronic rhinitis; (14) Glioblastoma. The PACT Act also provides that the Secretary may determine further diseases as warranted, following the guidelines set forth in the Act.

In addition, in August 2021, the Department of Veterans Affairs published a [rule in the Federal Register](#) to establish presumptive service connection for three chronic respiratory health conditions, asthma, rhinitis, and sinusitis, to include rhinosinusitis, in association with presumed exposure to fine, particulate matter. In addition to these conditions, the VA added nine rare respiratory cancers to the list of presumptive conditions in April 2022.

Long before the PACT Act, the VA agreed to award presumptive service connection for many cancers, diabetes, ischemic heart disease, and Parkinson's disease to veterans who served in certain places in which herbicides like Agent Orange were used. The PACT Act adds two more diseases to this list, hypertension and monoclonal gammopathy of undermined significance (MGUS). In addition, the PACT Act expands the presumption of herbicide exposure to include

veterans who served in Thailand at any U.S. or Royal Thai base, Laos, Cambodia, Guam, American Samoa, or Johnston Atoll.

## **6. What documents do I need to apply for CRSC?**

Veterans who have been awarded service connection from the VA for conditions qualifying under the PACT Act should submit an application for CRSC by submitting the DD Form 2860 and supporting evidence for each condition. Essential documents are all DD 214s/215s and VA Rating Decisions and medical records specifically showing the causation of the disability (including the VA letter, the actual VA rating decisions and the VA code sheets). Suggested evidence includes military decorations recognized as evidence of combat participation, your most recent VA rating decision and codesheet, VA Compensation & Pension (C&P) exams, in-service medical treatment records from the time of injury, and if medically retired, Medical Evaluation Board and Physical Evaluation Board documents.

When submitting an application for presumptive conditions, veterans should include evidence of a qualifying period of service. Recent VA codesheets applying the presumption may include language that these conditions are service-connected due to Gulf War environmental hazards or burn pit exposure. Presumptive conditions under the PACT Act do not need to be diagnosed in service to qualify for CRSC. The PACT Act allows compensation for these conditions if they manifest at any time during or after service.

## **7. Where do I submit an application for CRSC?**

The fastest way to receive a decision is by applying to the CRSC board designated by the branch of service from which you retired. The mailing address for each board is found on the DD Form 2860. Some boards allow for electronic submissions. Websites with instructions for Army, Navy, and Air Force are listed below. The formal guidance from the VBA for the PACT Act was released December 22, 2022. All CRSC boards should now be making decisions on PACT Act conditions.

- [DD Form 2860](#)
- [Army instructions](#). Applications may be sent via email to [usarmy.knox.hrc.mbx.tagd-crsc-claims@army.mil](mailto:usarmy.knox.hrc.mbx.tagd-crsc-claims@army.mil).
- [Navy instructions](#). Applications may be sent via email to [usn.ncr.asstsecnavmradc.mbx.crsc@us.navy.mil](mailto:usn.ncr.asstsecnavmradc.mbx.crsc@us.navy.mil).
- [Air Force instructions](#)

Veterans who meet the criteria for CRSC may [go](#) here to apply for free legal assistance through [NVLSP's Pro Bono Program](#), [Lawyers Serving Warriors](#)®. Assistance is not guaranteed to all applicants.

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