#### Department of Veterans Affairs M21-1, Part IV, Subpart ii

**Veterans Benefits Administration February 8, 2016**

**Washington, DC 20420**

#### Key Changes

**3. Developing Claims for SC for Asbestos-Related Diseases**

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| Introduction | This topic contains information on developing claims for SC for asbestos-related diseases, including   * entitlement to SC for conditions based on exposure to asbestos * development action to take when no disability related to asbestos exposure is claimed * use of Military Occupational Specialty (MOS) to determine probability of in-service asbestos exposure * developing for evidence of in-service asbestos exposure in substantially complete claims * consideration of all evidence in the claims folder in determining in-service asbestos exposure, and * requesting an examination and opinion for claims based on asbestos exposure. |

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| Change Date | August 7, 2015 |

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| **a. Entitlement to SC for Conditions Based on Exposure to Asbestos** | Veterans who were exposed to asbestos while in service and developed a disease related to that asbestos exposure may receive compensation benefits.  Claims based on exposure to asbestos require   * a military occupational skill with exposure to asbestos or other exposure event associated with service sufficient to request an examination with medical opinion as described in M21-1, Part IV, Subpart ii, 1.I.3.f, and * a diagnosed disability that has been associated with in-service asbestos exposure.   ***Note***: Occupational exposure is the most common cause of asbestosis, but the condition also can have other causes.  ***Reference***: For more information on asbestos exposure to include rating guidance, see M21-1, Part IV, Subpart ii, 2.C.2. |

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| b. Development Action to Take When No Disability Related to Asbestos Exposure Is Claimed | A claim is not substantially complete if a Veteran alleges exposure to asbestos during service, but does not claim SC for a specific disability. In such cases, send a letter to the Veteran to   * inform the Veteran that exposure, in and of itself, is not a disability, and * ask the Veteran to identify the disability(ies) that resulted from exposure to asbestos during service.   Use the Veterans Benefits Management System (VBMS) or Modern Awards Processing - Development (MAP-D) to generate the applicable paragraphs to send in the development letter to the Veteran by selecting the entry ASB – TELL US SPECIFIC DISABILITY FM ASBESTOS EXPOSURE.  ***Important***:   * Do not * process the claim as a denial, or * establish end product (EP) control for the incomplete claim. * Whenever possible, telephone the Veteran to obtain the information needed to substantiate the claim.   ***Reference***: For more information on what constitutes a substantially complete application, see   * [38 CFR 3.159(a)(3)](http://www.ecfr.gov/cgi-bin/text-idx?SID=eeb25614ff133ec52c6f89f62aa156dc&mc=true&node=se38.1.3_1159&rgn=div8), and * M21-1, Part I, 1.B.1.b. |

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| **c. Use of MOS to Determine Probability of In-Service Asbestos Exposure** | The table below describes probability of asbestos exposure by military occupational specialty (MOS). |

Asbestos MOS Handout

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| MOS Code | Job Title | Probability of Exposure |
| AA | Airman Apprentice | Minimal |
| ABE | Aviation Boatswain’s Mate (Launch & Rec Equip) | Probable |
| ABF | Aviation Boatswain’s Mate | Probable |
| ABH | Aviation Boatswain’s Mate (Aircraft Handler | Probable |
| AC | Air Traffic Controller | Minimal |
| ACM | Aviation Chief Metalsmith | Probable |
| ADJ | Aviation Machinist’s Mate (Jet Engine Mechanic) | Probable |
| ADR | Aviation Machinist’s Mate | Probable |
| AE | Aviation Electrician’s Mate | Probable |
| AFCM | Aircraft Maintenanceman (Master Chief) | Minimal |
| AG | Aerographer’s Mate | Minimal |
| AK | Aviation Storekeeper | Minimal |
| AM | Aviation Structural Mechanic | Probable |
| AME | Aviation Structural Mechanic (Safety Equipment) | Probable |
| AMH | Aviation Structural Mechanic (Hydraulics) | Probable |
| AMS | Aviation Structural Mechanic (Structural) | Probable |
| AN | Airman | Minimal |
| AO | Aviation Ordnanceman | Minimal |
| AQ | Aviation Fire Control Technician | Highly Probable |
| AR | Airman Recruit | Minimal |
| ARM | Aviation Radioman | Probable |
| AS | Aviation Support Equipment Technician | Probable |
| AT | Aviation Electronic Technician | Probable |
| AW | Aviation Antisubmarine Warfare Operator | Probable |
| AX | Aviation Antisub Warfare Technician | Probable |
| AZ | Aviation Maintenance Administrationman | Minimal |
| B | Boilermaker (WWII) | Highly Probable |
| BU | Builder | Probable |
| BM | Boatswain’s Mate | Minimal |
| BR | Boilermaker | Highly Probable |
| BT | Boiler Technician | Highly Probable |
| CD | Construction Driver | Probable |
| CE | Construction Electrician | Probable |
| CM | Construction Mechanic | Minimal |
| CN | Constructionman | Probable |
| Cox | Coxswain | Minimal |
| CS | Commissaryman | Minimal |
| CT | Communication Technician | Minimal |
| CTR | Cryptologic Technician (Collections) | Minimal |
| DC | Damage Controlman | Minimal |
| DK | Disbursing Clerk | Minimal |
| DP | Data Processing Technician | Minimal |
| DS | Data System Technician | Minimal |
| DT | Dental Technician | Minimal |
| EM | Electrician’s Mate | Probable |
| EN | Engineman | Probable |
| EO | Equipment Operator | Minimal |
| ET | Electronics Technician | Probable |
| FC | Fire Controlman | Highly Probable |
| FN | Fireman | Highly Probable |
| FP | Pipefitter | Highly Probable |
| FT | Fire Control Technician | Highly Probable |
| FTG | Fire Control Technician (Guns) | Highly Probable |
| GM | Gunner’s Mate | Minimal |
| GSM | Gas Turbine System Technician (Mechanical) | Probable |
| HC | Hospital Corpsman | Minimal |
| HN | Hospitalman | Minimal |
| HT | Hull Maintenance Technician | Highly Probable |
| IC | Interior Communication Technician | Probable |
| IM | Instrumentman | Highly Probable |
| LI | Lithographer | Minimal |
| M(ME) | Metalsmith | Minimal |
| MA | Master-At-Arms | Minimal |
| MLC | Molder | Probable |
| MM | Machinist Mate | Probable |
| MN | Mineman | Minimal |
| MOMM | Motor Machinist Mate | Probable |
| MR | Machinery Repairman | Minimal |
| MS | Mess Management Specialist | Minimal |
| MT | Missile Technician | Probable |
| MU | Musician | Minimal |
| NC | Navy Counselor | Minimal |
| OM | Opticalman | Minimal |
| OSPC | Operations Specialist | Minimal |
| PC | Postal Clerk | Minimal |
| PH | Photographer’s Mate | Minimal |
| PHM | Pharmacist | Minimal |
| PN | Personnelman | Minimal |
| Prtr | Printer | Minimal |
| PT | Photographic Intelligenceman | Minimal |
| PTR | Painter | Probable |
| QM | Quartermaster | Minimal |
| RD | Radarman | Minimal |
| RM | Radioman | Minimal |
| RN | Radarman | Minimal |
| SA | Seaman Apprentice | Minimal |
| SC | Ship’s Cook | Minimal |
| SD | Stewart | Minimal |
| SF | Shipfitter | Minimal |
| SFM | Shipfitter (Metal Smith) | Minimal |
| SFP | Shipfitter (Pipefitter) | Minimal |
| SH | Ship’s Serviceman | Minimal |
| SK | Storekeeper | Minimal |
| SM | Signalman | Minimal |
| SN | Seaman | Minimal |
| SO | Sonarman | Highly Probable |
| SoM | Soundman | Highly Probable |
| ST | Sonar Technician | Highly Probable |
| STG/SOG | Sonar Technician (Surface) | Highly Probable |
| STS | Sonar Technician (Submarine) | Highly Probable |
| StM | Steward’s Mate | Minimal |
| SW | Steelworker | Probable |
| TA | Stewart Apprentice | Minimal |
| TD | Trademan | Minimal |
| TE | Teletype | Minimal |
| TM | Torpedoman’s Mate | Probable |
| TN | Stewardsman | Minimal |
| UT | Utilitiesman | Highly Probable |
| WT | Water Tender | Highly Probable |
| Y | Yeoman | Minimal |

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| ***Note***: This list is not exclusive and exposure may be otherwise demonstrated on review of the claims folder. Each claim based on asbestos exposure must be adjudicated on its own merit with MOS being one consideration in determining whether there was an exposure event. |

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| **d. Developing for Evidence of In-Service Asbestos Exposure in Substantially Complete Claims** | Complete a Personnel Information Exchange System (PIES) request for military personnel records using   * code O16 for paper claims, or * code O50 for claims processed in VBMS.   This is necessary in order to determine all MOSs the Veteran performed while in service.  At the same time, send a development letter to the Veteran requesting additional exposure information if not already of record, or if exposure has not been conceded. Use VBMS or MAP-D to generate the applicable paragraphs for placement in the letter by selecting the following entries:   * ASB – TELL US WHERE, WHEN, HOW EXPOSED, and * ASB – MEDICAL EVID OF DISEASE (BIOPSY) NEEDED.   ***Important***: The determination as to whether to concede exposure to asbestos is based on a complete review of the claims folder. Therefore, continue to develop for asbestos exposure via PIES even if no response from the Veteran to the development letter has been received. If exposure is confirmed by records to include military personnel records, follow the guidance contained at M21-1, Part IV, Subpart ii, 1.I.3.e.  ***Notes***:   * Upon selection, a *VA Form 21-4142, Authorization to Disclose Information to the Department of Veterans Affairs*, is generated and is to be included in the letter for the Veteran to complete if the Veteran wishes for the VA to attempt to obtain any doctor, hospital, or medical reports on his/her behalf. * Obtaining the military personnel records before scheduling an examination for an MOS listed as having minimal exposure probability ensures that examiners know about any other MOS that the Veteran may have served under that may have resulted in asbestos exposure. |

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| **e. Consideration of All Evidence in the Claims Folder in Determining In-Service Asbestos Exposure** | If an MOS is listed as minimal, probable, or highly probable in the table above, concede asbestos exposure for purposes of scheduling an examination.  As discussed at M21-1, Part IV, Subpart ii, 1.I.3.c, asbestos exposure may be demonstrated upon review of the claims folder on a basis other than MOS. Any evidence that is probative of (serves to establish) asbestos exposure may be used to support a determination that asbestos exposure occurred. Determining whether evidence proves a Veteran was exposed to asbestos requires an evaluation of all of the evidence in the case, including   * an assessment of the credibility of the evidence, and * whether the evidence establishes that the exposure occurred.   In determining whether asbestos exposure has been demonstrated by the evidence of record, consider   * exposure information that the Veteran provides in response to the asbestos development letter to include lay testimony * service personnel records * service treatment records * buddy statements, and * all other evidence located in the claims folder or identified by the Veteran relevant to the determination of asbestos exposure.   ***Note***: The term ***credibility*** refers to believable evidence that tends to support the Veteran’s assertion based on consideration of plausibility, consistency with other evidence in the case, and source. Once asbestos exposure has been demonstrated by the evidence of record and the evidence contains competent lay or medical evidence of a current diagnosed disability or persistent or recurrent symptoms of disability, accept the Veteran’s lay testimony as sufficient evidence of current symptoms or disease that could potentially be related to asbestos exposure for purposes of requesting an examination and medical opinion. |

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| **f. Requesting an Examination and Opinion for Claims Based on Asbestos Exposure** | Use the table below in determining the actions to take, to include when to request an examination and medical opinion, following review of the evidence in the claims folder. |

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| **If the Veteran’s claims folder contains evidence of a current disability and…** | **Then ...** |
| demonstrates asbestos exposure | * do not continue to develop for additional records to verify asbestos exposure * request an examination with medical opinion using the Examination Request Builder (ERB), and * refer the claim to the rating activity for a decision upon receipt of the requested examination.   ***Notes***:   * When selecting a respiratory examination in ERB, a system prompt will be generated as to whether examination is being scheduled based on a Navy Veteran and asbestos exposure. If asbestos exposure is conceded based on MOS, select yes and pick the Veteran’s MOS, which will then generate the exposure probability. * Additional evidence should be tabbed to identify all records the examiner should review in making a medical opinion. * While the ERB indicates exposure based on a Navy Veteran, the asbestos guidance contained in this topic applies to all branches of service. * Ensure that the examination request states all applicable information as to asbestos exposure to include the Veteran’s MOS(s) and probability of asbestos exposure. |
| does not demonstrate asbestos exposure | * ensure that the development procedures detailed at M21-1, Part IV, Subpart ii, 1.I.3.d have been completed * review any evidence received as a result of the development for any evidence of asbestos exposure to include personnel records and information on the MOS(s) the Veteran performed in service, and * if exposure is shown as demonstrated by an MOS with a MINIMAL or higher indicator of probability of asbestos exposure or based on other evidence of exposure, request an examination with medical opinion and send to the rating activity following receipt of the requested examination, or * if exposure is not shown as indicated by lack of evidence demonstrating at least a MINIMAL indicator of probability of asbestos exposure based on MOS and other evidence does not establish asbestos exposure, refer the claims folder to the rating activity for a decision without requesting an examination. |