



Initial Traumatic Brain Injury (TBI) Compensation & Pension (C&P) Examinations

May 2016

Veterans Benefits Administration

VA



U.S. Department
of Veterans Affairs

TBI Background

- Signature injury during the Iraq conflict
- VHA and VBA improved access to care for Veterans by
 - Establishing a VHA polytrauma network
 - Collaborating with Department of Defense
 - Screening of returning Servicemembers/Veterans
 - Updating rating criteria for evaluating TBI disabilities in October 2008
- VHA established a standard for diagnosing TBI
 - Initial TBI examination must be completed by a psychiatrist, physiatrist, neurosurgeon, or neurologist if a diagnosis is not already of record (claims for service connection)
 - Review TBI examination may be completed by a TBI DEMO-certified clinician (claims for increased evaluation)

Overview of Examination Issue

- Minneapolis VAMC completed self-initiated review of initial TBI exams performed between 2010 and October 2014
 - 317 living Veterans identified whose C&P exams were not performed by a psychiatrist, physiatrist, neurologist, or neurosurgeon
- VHA/VBA guidance on requirement for “Big 4” clinician use unclear during this period
- Nationwide review of VHA and contractor exams from 2007 to 2015 revealed additional 24,588 Veterans whose C&P exams were not performed by designated specialist

Corrective Actions by VA

- On May 3, 2016, SECVA granted equitable relief to affected Veterans
 - At Veteran's request, VBA will order new initial TBI exam with designated specialist
 - Veterans will be allowed to submit additional evidence in support of their prior TBI claim
 - VBA will reprocess the prior TBI claim, substituting the new TBI exam for the inappropriate exam
 - If appropriate, VA may award an effective date as early as the date of the TBI claim associated with the C&P exam at issue

Veteran Notification

- VBA is preparing to send letters to Veterans and their representatives offering the opportunity for reexamination and reprocessing of prior TBI claim
 - Mailing tentatively set for end of May 2016
 - Veterans will have one year from date of letter to request reexamination
- Veterans awarded equitable relief will have their eFolder marked with a special “TBI Equitable Relief” flash

Important Information

- Veterans will have **one year** from the date of VBA's letter to request reexamination and reprocessing of their prior TBI claim
- A standardized application form is not required to request review
 - Must clearly express desire for reprocessing of prior TBI claim
 - Request may be submitted in writing or via telephone
- ~~Veterans who are currently service-connected for a TBI disability may request review, but reexamination may result in proposed reduction of current evaluation~~
 - ~~Any proposed reduction will be prospective and follow current policies and procedures~~
 - ~~Any increased evaluation shown based on new C&P exam may be assigned as early as the date of the prior TBI claim~~

Breakdown by POA

Representative	Veterans
Disabled American Veterans	4,841
American Legion	2,965
Veterans of Foreign Wars	2,832
Other State Veterans Service Organizations (VSOs)	2,832
Texas Veterans Commission	1,458
North Carolina Department of VA	905
Military Order of the Purple Heart	687
AMVETS	473
Vietnam Veterans of America	224
National Association of County VSOs	33
Other VSOs	326
Private Attorney	717
No representative on file	6,295
Total	24,588

QUESTIONS?