C&P EXAMINATIONS

PRACTICAL APPLICATIONS









Objective:



Strengthen research and advocacy skills associated with C&P exams



Encourage collaboration and support between service officers



Anticipate and avoid potential hurdles with C&P exam



Increase confidence in navigating VA systems What triggers a C&P exam?

Reviewing exam requests/key components

Tracking exams in VBMS

Interpreting exam reports (DBQ / MO) PE

Preparing the client for the exam

Common exam issues

INTRODUCTION

WHAT TRIGGERS A C&P EXAM?

In McLendon v. Nicholson, 20 Vet. App. 79 (2006), the United States Court of Appeals for Veterans Claims (Court) held that 38 C.F.R. § 3.159(c)(4) provides that an examination or opinion is necessary if the evidence of Record:

- 1) CONTAINS COMPETENT EVIDENCE THAT THE CLAIMANT HAS A CURRENT DISABILITY, OR PERSISTENT OR RECURRENT SYMPTOMS OF A DISABILITY; AND
- 2) ESTABLISHES THAT THE VETERAN SUFFERED AN EVENT, INJURY, OR DISEASE IN SERVICE; AND
- 3) INDICATES THAT THE CLAIMED DISABILITY OR SYMPTOMS <u>MAY BE</u>
 <u>ASSOCIATED</u> WITH THE ESTABLISHED EVENT, INJURY, OR DISEASE IN SERVICE,
 BUT
- 4) DOES NOT CONTAIN SUFFICIENT MEDICAL EVIDENCE FOR THE SECRETARY TO MAKE A DECISION ON THE CLAIM.

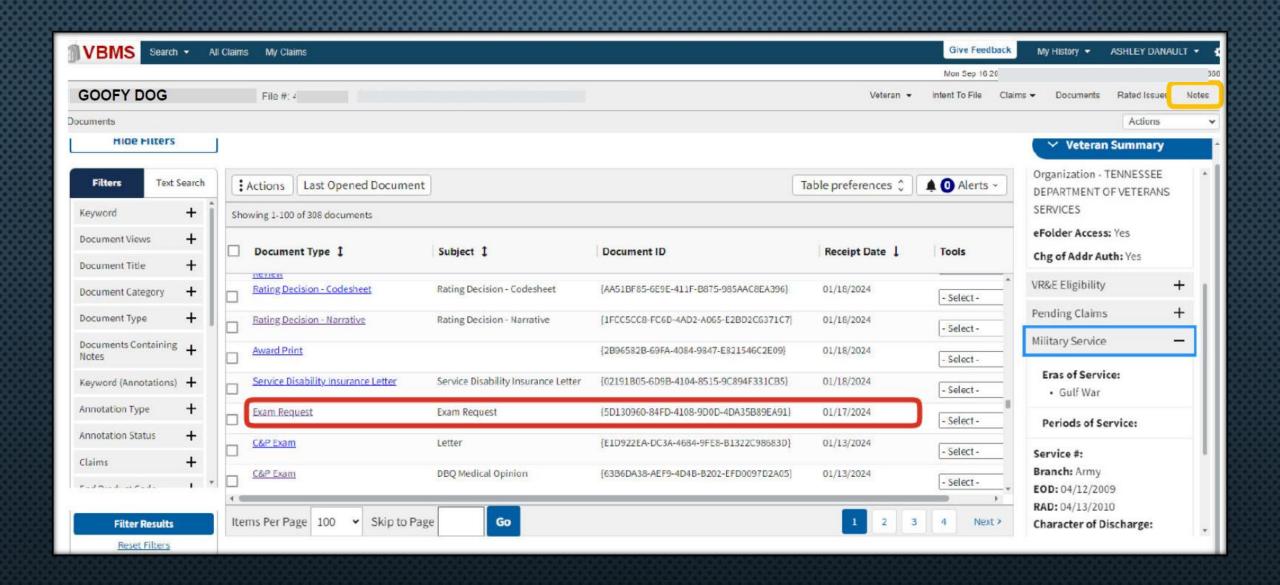
DISCUSSION #1 & #2

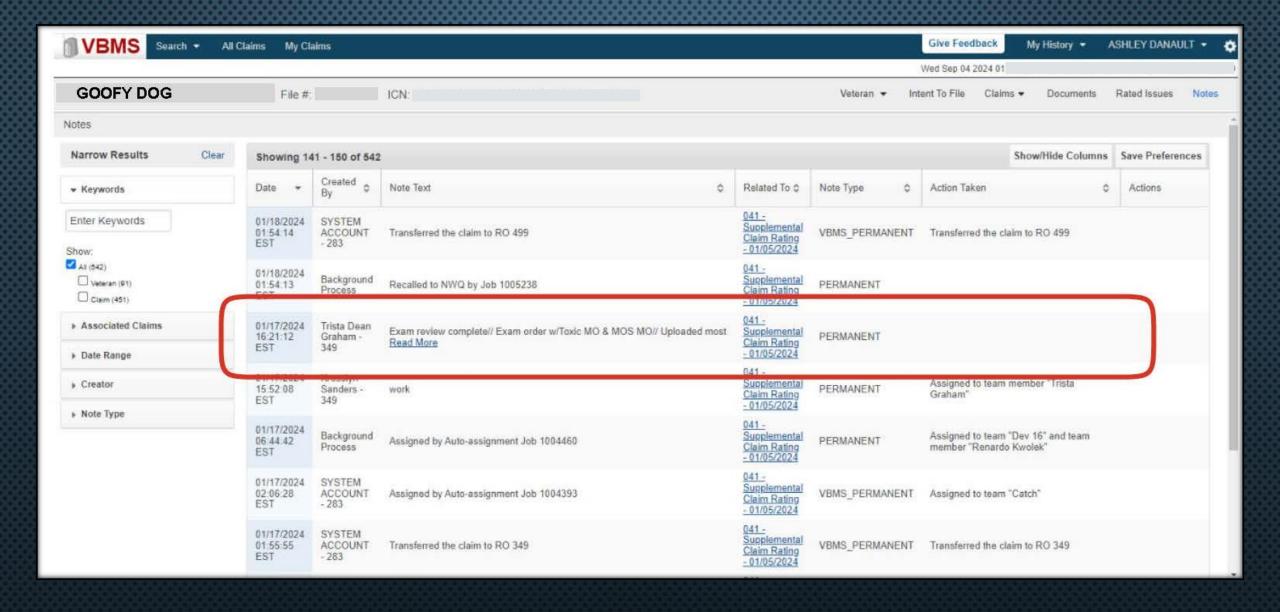
SCENARIO 1

IN 2024, A VETERAN WHO SERVED IN THE ARMY BETWEEN 1982-1984 WANTS TO SUBMIT A CLAIM FOR LUMBAR DDD. THEY HAVE PRIVATE MEDICAL RECORDS SHOWING TREATMENT FOR LUMBAR PAIN BEGINNING IN 2019 WITH A DIAGNOSIS OF DDD IN 2023. THEIR STRS SHOW MULTIPLE COMPLAINTS AND VISITS FOR LUMBAR PAIN DURING SERVICE. WOULD AN EXAM BE WARRANTED? WHY OR WHY NOT?

SCENARIO 2

A DS/DS VETERAN WHO SERVED IN SAUDI ARABIA IN 1991 WANTS TO FILE A CLAIM FOR ASTHMA. THEY STATE THEY HAVE RECENTLY RECEIVED A DIAGNOSIS FROM THE VA. A REVIEW OF THEIR STRS DO NOT SHOW AN INSERVICE DIAGNOSIS OF ASTHMA OR RELATED SYMPTOMS. WOULD AN EXAM BE WARRANTED? WHY OR WHY NOT?





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2024 05.EST	SYSTEM ACCOUNT - 283	Transferred the claim to RO 325		040 - Supplement Rating - 08/16/20		VBMS_PE	RMANENT	Transferre
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2024 14 EST	SYSTEM ACCOUNT - 283	Note			×	VBWS_PE	RMANENT	Transferre
2024 13 EST	Background Process	Trista Dean Graham - 349 01/17/2024 16:21:12 EST				PERMANENT		
2024 12 EST	Trista Dean Graham - 349	Exam review complete// Exam order w/Toxic MO & MOS MO// Uploaded most recent Capri records// Claim is ready for recall				PERMANENT		
2024 08 EST	Kresslyn Sanders - 349	records// Craim is ready for recail			11	PERMANENT		Assigned to Graham
E024 42 EST	Background Process	Close				PERMANENT		Assigned to team mem
2024 28 EST	SYSTEM ACCOUNT - 283	Assigned by Auto-assignment Job 1004393		941 Supplement Rating - 01/05/20.	al Claim	VBM9_PERMANENT		Assigned to
2024 55 EST	SYSTEM ACCOUNT - 283	Transferred the claim to RO 349		041 - Supolement Rating - 01/05/202	tal Claim 24	VBMS_PERMANENT		
2024 54 EST	Background Process	Transferred by NWQ Job 1004393 to RO 349		941 - Supplement Rating - 01/05/20	al Claim 24	D PERMANENT		
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DISCUSSION #3

VETERAN SUBMITTED A CLAIM FOR TINNITUS, BL HAND PAIN DUE TO MOS DUTIES AND LEFT KNEE PAIN. THEY WANT TO KNOW WHY THEY WERE SCHEDULED EXAMS FOR TINNITUS AND HANDS, BUT NOT THE KNEE.

CONSIDERING THE 4 MCLENDON FACTORS, WHAT INFORMATION CAN WE DERIVE FROM THIS NOTE THAT WOULD HELP ANSWER THEIR QUESTION?

Note

Alina Lorraine Maccani - 329

04/05/2024 10:45:50 EDT

exam review complete: BL tinnitus exam completed and in eFolder. Upon review noted Elements of SC met for BL hand pain per 21-526 due to MOS duties, lay statement. Verified/annotated MOS on DD214. Propose order direct MO exam for BL hand pain, no TERA MO due to TERA exception. ERRA tool denotes vendor. reviewed PIES status, ordered DPRIS per recommendation listed on PIES response: uploaded and now complete personnel records. strs of record. Noted conflicting DOB within claim and systems, documents (07/07/1959 versus 07/27/59). Located DOB on son's Health Department Statement of Live Birth. Updated eFolder. s1. capri silent. strs silent for left knee.

Close

Veteran information-

• SSN / file #, DOB, service info, contact info, gender, POA

Claim information-

• End product (EP) code, type of claim under EP (new/increase, supplemental, secondary), date of claim

Contention information-

 Claimed condition, type (new, inc, sec, suppl, RFE), priority issues, MO requested if any (direct, TERA, secondary, Gulf War), method of exam directive (ACE, in-person)

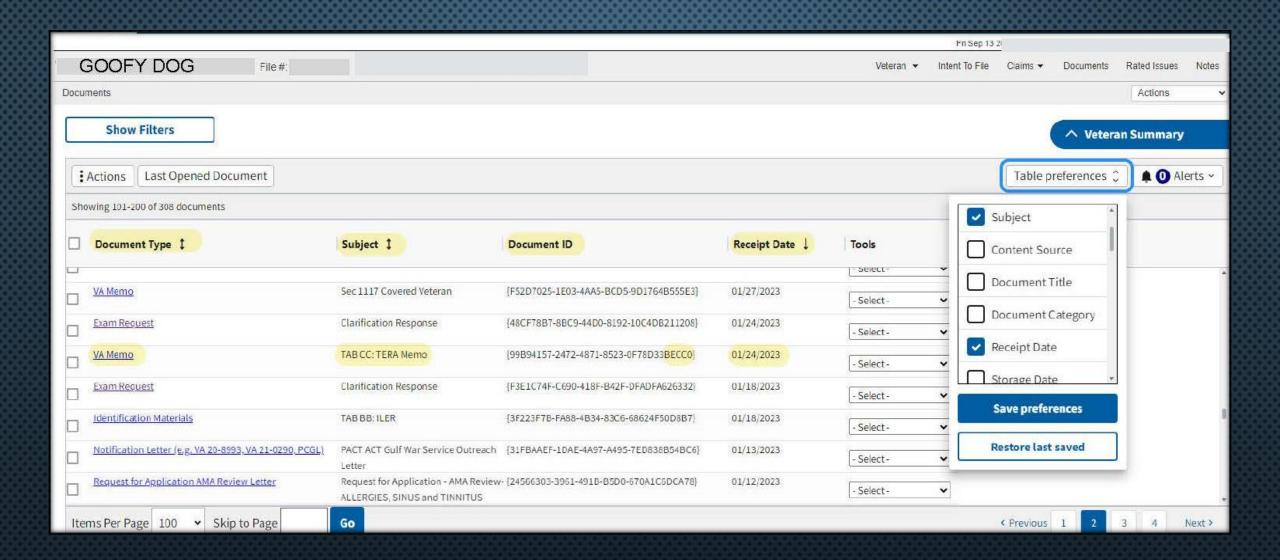
Additional information-*

• Document type, subject, annotation, upload date for potentially relevant evidence located in the eFolder for examiner to reference, results package (type of DBQ, MO)

Request information-

• VA employee that created the request, assigned vendor (LHI, QTC, VES), date and time request was created

REVIEWING EXAM REQUESTS/KEY COMPONENTS



Exam Scheduling Request

Goofy Dog 55 Barker Lane BROWNSVILLE, TN 38012

Phone: 1-423-111-1111 Alternate Phone: 1-423-222-2222 Email: a-hyuck@hotmail.com

Branch(es) of Service

Entry on Duty

Apr 12, 2009

File Number: 000112222 DOB: November 18, 1932 Gender: Male Exam Jurisdiction RO: 320

Sensitivity Level: 0 POA/VSO: 020 - TENNESSEE DEPARTMENT

OF VETERANS SERVICES

Release Active Duty Apr 13, 2010

Era(s) of Service

Date of Claim: 01/05/2024

Supplemental Claim Rating

Post-Discharge Claim Pavee Number: 00

Remand: NO

Classification: Hearing Loss

Type: SUP

Contention Priority Issues:

PACT

Remand Specialist Requested: NO

Is there a gender preference for the examiner? NO

Standard Language Output Text:

MEDICAL OPINION REQUESTED: Direct service connection (Audio Opinion based on MOS-Related Hazardous Noise Exposure)

The Veteran is claiming that his or her tinnitus is related to exposure to hazardous noise. Please provide a Direct medical opinion response and review the following tabbed evidence. If an examination or additional testing is required, obtain them prior to rendering your opinion.

Certificate of Release or Discharge From Active Duty (e.g. DD 214, NOAA 56-16, PHS 1867) In eFolder at the following location: Record showing MOS of Information Technology Specialist (25B) which had a Low probability for hazardous noise exposure.

TYPE OF MEDICAL OPINION REQUESTED: Toxic Exposure Risk Activities. Does the Veteran have a diagnosis of (a) tinnitus that is at least as likely as not (likelihood is at least approximately balanced or nearly equal, if not higher) caused by (the) Iraq from June 4, 2009, through October 9, 2009 Kuwait from October 10, 2009, through November 7, 2009 Iraq from November 8, 2009, through November 7, 2009 Iraq from November 8, 2009, through November 19, 2009 after considering the total potential exposure through all applicable military deployments of the Veteran and the synergistic combined effect of all toxic exposure risk activities of the Veteran? Rationale must be provided in the appropriate section. Please review the Veterans electronic folder(s) and otter that it was expressed in your rest. folder(s) and state that it was reviewed in your report.

Clinician: If using the ACE process to complete the Medical Examination, please explain the basis for the decision not to examine the Veteran, and identify the specific materials reviewed to complete the Medical Examination

The Veteran does not need to report for all examinations for the following Contention:

tinnitus

Please review the Veteran's electronic folder(s) and state that it was reviewed in your report.

Veteran is not service connected for Tinnitus.

Additional Information:

Document Type: VA Memo, Subject: Sec 1117 Covered Veteran, Annotation: , Document ID: F52D7025-1E03-4AA5-BCD5-9D1764B555E3, Upload Date: 03/19/2023, Page number: 1 Document Type: VA Memo, Subject: TAB CC: TERA Memo, Annotation: TERA Memo, Document ID: 99B94157-2472-4871-8523-0F78D33BECC0, Upload Date: 01/24/2023, Page number: 1 Document Type: STR - Medical, Subject: null, Annotation: Enlistment Exam

Date: 7/13/06, Document ID: 8E11F476-0C78-4455-BEEB-FA6B4A0AE3C7, Upload Date: 08/12/2015, Page

Document Type: DPRIS - DD 214 Certified Original - Certificate of Release or Discharge From Active Duty, Subject: TAB AA: 04/12/09 - 04/13/10 AD TERA Iraq pg. 1, Annotation: DD 214

USA 4/12/2009 - 04/13/2010 MOS: 25B10 IT Specialist, Document ID: D9F6CBF6-0BB0-42EF-89A5-C05A3B6BD0D1, Upload Date: 08/12/2015, Page number: 1

For this Contention, VBMS expects a results package to at minimum include data pertaining to the following DBQ(s):

- DBQ AUDIO Hearing Loss and Tinnitus
- DBQ Medical Opinion

vbawacgrahat Created By:

Exam Request Destination:

ESR Submission Date: 01/17/2024 04:21:39 PM EST

Goofy is concerned that the VA is not tracking on all his Title 10 deployments, even though he has submitted his other 2 DD214s several times already. He says the examiner from his last exam mentioned that the only AD time she could see was his deployment to Iraq in 2009. Should he be concerned about future claims?

Exam Scheduling Request

Mickey Mouse 123 Diggity Dog Avenue Orlando, FL 11126 USA

File Number: 123456789 DOB: April 25, 1963 Gender: Male Exam Jurisdiction RO: 320 Sensitivity Level: 6

Phone: 1-222-333-4444 Alternate Phone: 1-222-333-4455 Email: mickandmin@gmail.com

POA/VSO: 020 - TENNESSEE DEPARTMENT OF VETERANS SERVICES

Branch(es) of Service Entry on Duty Release Active Duty Era(s) of Service Jun 21 1993 Army Feb 10, 1983 Sep 28, 1983 Peacetime

Date of Claim: 05/14/2024 New Benefit Type: CPL

Post-Discharge Claim Payee Number: 00

Remand: NO

Veteran Priority Issues:

FDC Program

Classification: Neurological other System

Type: NEW

Is there a gender preference for the examiner? NO

Standard Language Output Text:

TYPE OF MEDICAL OPINION REQUESTED: Direct service connection

Does the Veteran have a diagnosis of migraines that is at least as likely as not (likelihood is at least approximately balanced or nearly equal, if not higher) incurred in or caused by (the) in service event during service?

Rationale must be provided in the appropriate section. Your review is not limited to the evidence identified on this request form, or tabled in the claims folder. If an examination or additional testing is required, obtain them prior to rendering your opinion. Rationale must be provided in the appropriate section.

Please review the Veteran's electronic folder(s) and state that it was reviewed in your report.

Clinician: If using the ACE process to complete the Medical Examination, please explain the basis for the decision not to examine the Veteran, and identify the specific materials reviewed to complete the Medical Examination.

The Veteran does not need to report for all examinations for the following Contention:

migraines

Please review the Veteran's electronic folder(s) and state that it was reviewed in your report.

Additional Information:

Document Type: CAPRI, Subject: Clinical Documents, Annotation: , Document ID: 74400558-6B33-4B6C-AAD5-8240FFA23F05, Upload Date: 05/20/2024, Page number: 8
Document Type: CAPRI, Subject: Clinical Documents, Annotation: , Document ID: 74400558-6B33-4B6C-AAD5-8240FFA23F05, Upload Date: 05/20/2024, Page number: 7

For this Contention, VBMS expects a results package to at minimum include data pertaining to the following DBQ(s):

DBQ NEURO Headaches (including Migraines)
 DBQ Medical Opinion

Created By: vbanasparksr

Exam Request Destination: ESR Submission Date: 05/20/2024 02:27:53 PM EDT

Mickey calls you after he receives the decision on his migraines and tells you he was denied because he did not have a diagnosis or complaints in service. He says he doesn't understand why it says that because his migraines stem from his SC cervical spine condition. The condition was claimed correctly on the 526EZ. What could have happened? What would be your advice?

TRACKING EXAMS IN VBMS

"Do you know where my exam is supposed to be?"

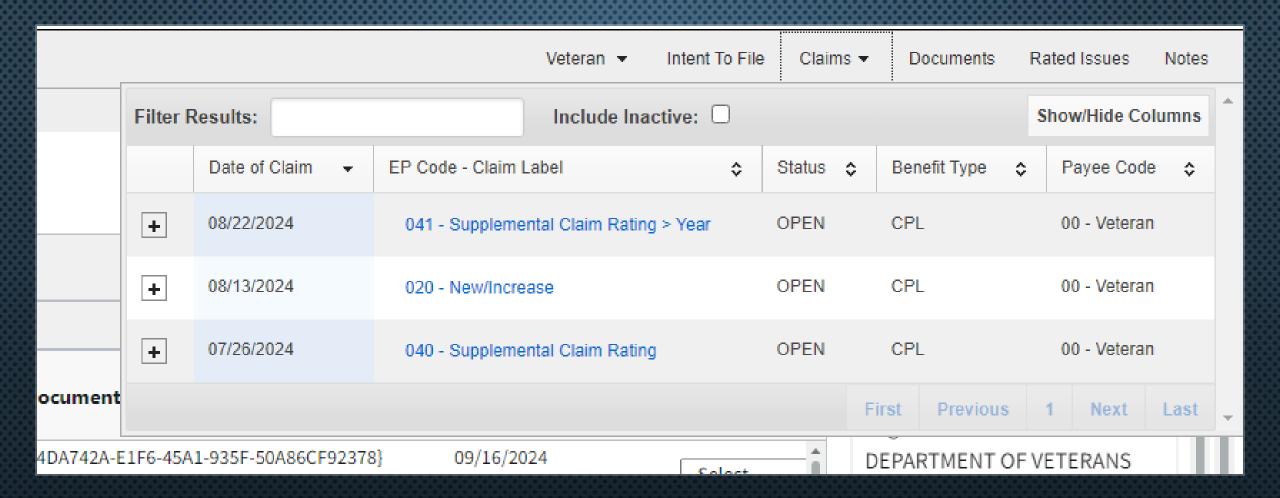
"I forgot what time I am supposed to be at my exam."

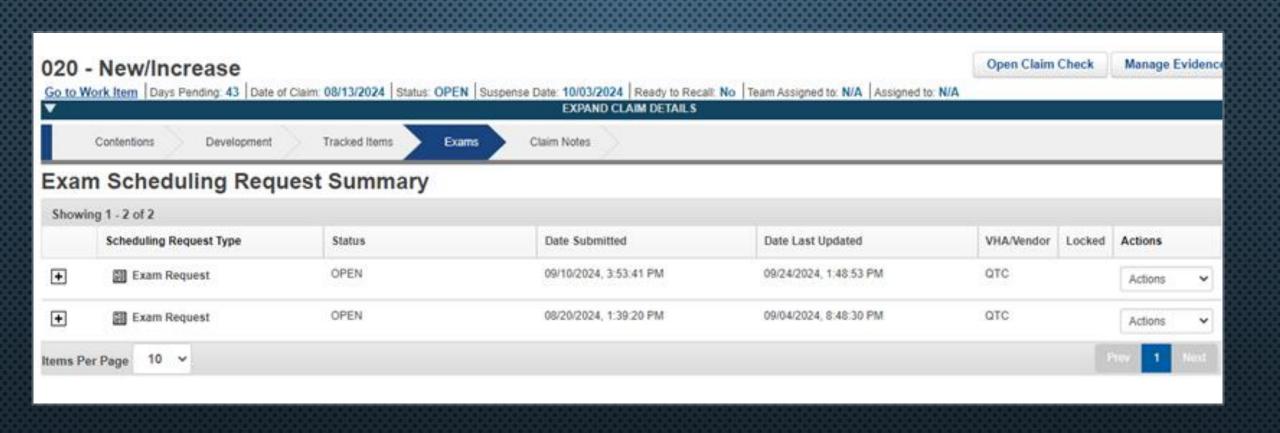
"Who did you say to try to avoid as an examiner. Can you see who I got?"

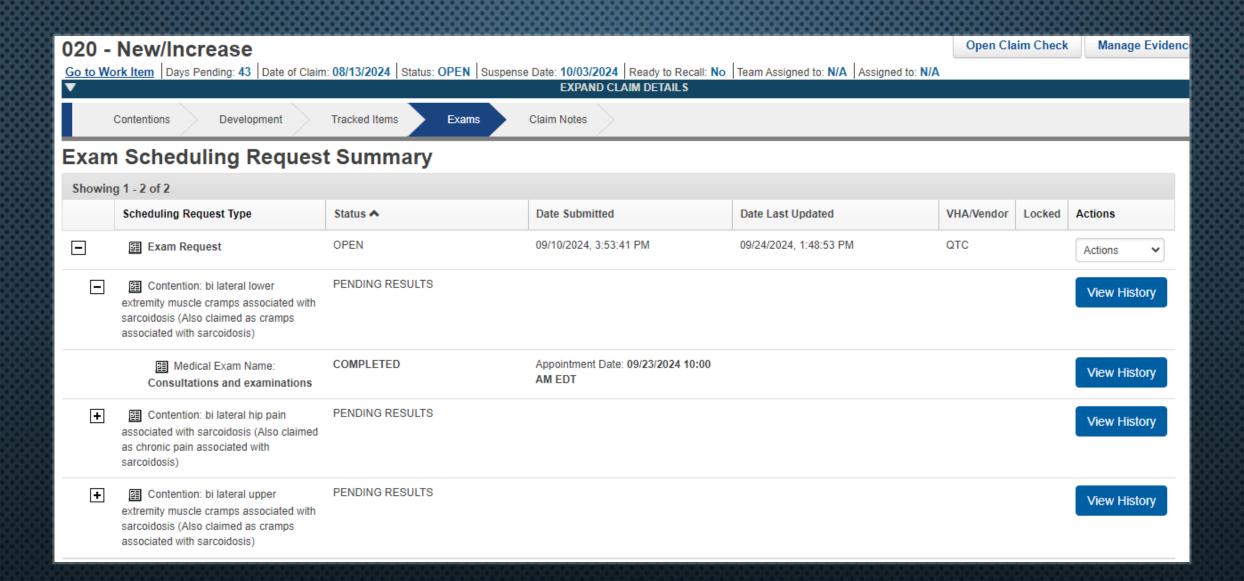
"I can't remember if my exam is tomorrow or next week."

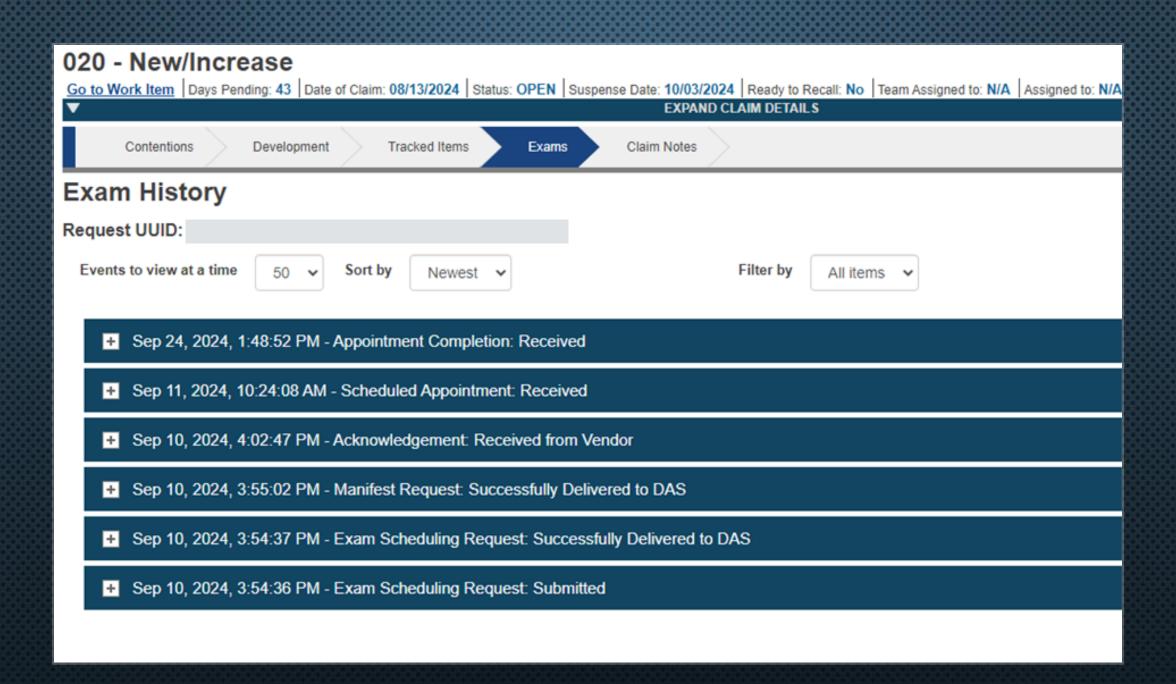
"I think I missed my exam."

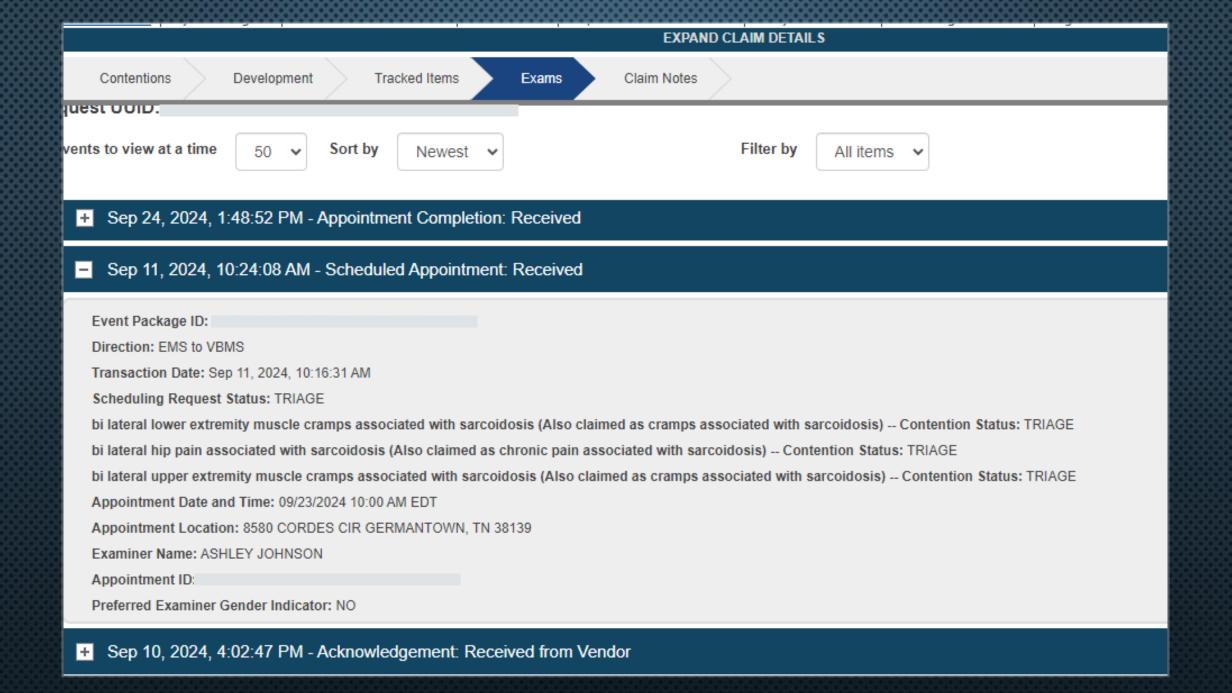
"It's been 3 months since my exam. I'm still not seeing anything in my va.gov acct. Can you see what the hold up is?"











INTERPRETING EXAM REPORTS (DBQ / MO) CLAIM STUDY / PRACTICAL EXERCISE

- What was the veteran's military component?
- What was the claimed condition?
- What type of medical opinion was requested?
- Did the VSR provide direction to pertinent evidence in the veteran's eFolder?
 - If so, how can we tell if it was considered?
- Do you think this examiner was attentive during the exam?
 - -Why or Why not?
- This veteran has been denied for hearing loss in the past. What would you advise?
- Do you think this was granted?

PREPARING THE CLIENT FOR THE EXAM

- Discuss symptoms / provide DBQs and VASRD
- Provide VA Claim Exam Fact Sheet
 https://www.benefits.va.gov/COMPENSATION/docs/claimexam-factsheet.pdf
- Exam scheduling process
 - Who will be contacting the them? How to have a say in the appt date/time/location/examiner. Risks of missing/rescheduling. Set up/check/clean voicemail.
- Vendor examinee portal
 - How –to information for setting up the portal to track exams or upload documents.
 - *Documents uploaded to the vendor portal are for internal use only and are not forwarded to the VA. It is the veteran's responsibility to make sure all pertinent evidence is submitted to the VA.

PREPARING CONT'D

- What to take to the exam
 - ID, documents requested by the vendor, copies of the non-VA medical records that were submitted
 with the claim and recent ones that were attained after the claim was submitted.
- What the examiner should be able to see
 - eFolder including, but not limited to CAPRI records, STRs, DD214s and any evidence that was submitted with the claim
 - Encourage them to ask the examiner about specific documents or direct them to the relevant evidence in the file.
- After action review
 - Who to call about issues with the exam or examiner (Vendor, VA, and VSO)
- What to expect following the exam / next steps

BEFORE

- Needs to reschedule
- Moves or changes contact information
- Is homebound
- Is non-verbal

During

- Examiner doesn't have access to all the evidence that was submitted with the claim
- Rude, unprepared or dismissive examiner
- Unnotified cancellations
- Veteran has new non- VA records (MRI, x-ray, labs, etc..

COMMON EXAM ISSUES

SUPPORT

LOCAL TDVS SUPPORT FOR C&P EXAM / EXAMINER ISSUES:

- LISA WARE TEAM LEAD: 615-351-5067 / LISA.WARE@TN.GOV
- Lloyd Sharp Region 1: 615-934-8460 / Lloyd.sharp@tn.gov
- SOPHIA RODRIGUEZ REGION 2: 615-663-1124 / SOPHIA.RODRIGUEZ@TN.GOV
- Region 3 Vacant
- CHARLES SEVIER REGION 4: 615-440-2009 / CHARLES.SEVIER@TN.GOV

VA - REGIONAL OFFICE C&P COORDINATOR CAN BE CONTACTED THROUGH LOCAL APPEALS TEAM

QUESTIONS?

