

Estate Planning Newsletter – January 2023

Section 1.01 Navigating Veteran Disabilities Under the PACT Act

By: Colter Parker

The Promise to Address Comprehensive Toxics (PACT) Act expanded the benefits offered to veterans exposed to toxic substances in Iraq and Afghanistan. For post-9/11 combat veterans, the PACT Act extends the period of time they have to enroll in Veterans Affairs (VA) health care to 10 years post-discharge. It also creates a one-year open enrollment period for veterans who do not fall within the 10-year window.

To receive a VA disability rating, the veteran must typically prove that the condition causing the disability was related to their military service. The PACT Act removes this burden of proof for a number of health conditions presumed to be caused by exposure to these toxic substances.

The following cancers are now presumptive:

- Brain cancer
- Gastrointestinal cancer of any type
- Glioblastoma
- Head cancer of any type
- Kidney cancer
- Lymphatic cancer of any type
- Lymphoma of any type
- Melanoma
- Neck cancer of any type
- Pancreatic cancer
- Reproductive cancer of any type

The following illnesses are now presumptive:

- Asthma diagnosed after service
- Chronic bronchitis
- Chronic obstructive pulmonary disease (COPD)
- Chronic rhinitis
- Chronic sinusitis
- Constrictive bronchiolitis or obliterative bronchiolitis
- Emphysema
- Granulomatous disease
- Interstitial lung disease (ILD)
- Pleuritis
- Pulmonary fibrosis
- Sarcoidosis

A veteran with a presumptive condition does not need to prove that their service caused the condition. Instead, the veteran is only required to meet one of the following:

- Service on or after August 2, 1990, in Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, Somalia, the United Arab Emirates (UAE), or the airspace above any of these locations
- Service on or after September 11, 2001, in Afghanistan, Djibouti, Egypt, Jordan, Lebanon, Syria, Uzbekistan, Yemen, or the airspace above any of these locations

To learn about other exposure-related presumptive conditions, visit the [U.S. Department of Veterans Affairs website](#).

Applying for Benefits

To file a disability claim for a new presumptive condition, fill out the VA's [disability compensation application](#).

For a veteran who was previously denied a disability claim which is now considered presumptive, please visit the VA's [Supplemental Claim page](#).

For general information about the PACT Act and VA benefits, please visit the VA's [Resources and Support page](#).

Estate Planning Resources

[Step-Up in Basis and Why It Matters in Estate Planning](#)

Recent news stories may have made you aware of the “step-up in basis” and the current administration’s desire to eliminate or adjust it. If you are considering engaging in estate planning or you may be inheriting assets, it is important to understand what the step-up in basis is and how it may affect you...

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What Are the Benefits of Having a Testamentary Trust?

There are various benefits to creating a testamentary trust. This article discusses the benefits of adding a testamentary trust to your estate plan...

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When Does a Person Lack Capacity in a Guardianship?

The guardianship of an adult, in which a judge appoints an individual to make choices for a person over 18, is appropriate when the adult lacks capacity. Capacity is a general legal term that refers to a person's cognitive ability...

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Upcoming Community Events

Catalyst Climbing Clinics

Where: High Point Climbing Fitness | When: 3rd Tuesday each month, January-May, 2023

Catalyst Sports is a non-profit organization based out of Atlanta whose mission is to empower people by providing the highest quality of adaptive sports to the disabled community. For more information, contact Jessie at jmock@chattanooga.gov or call (423) 643-6606.

“Just Craftin’ Around” Art Program

Where: Hixson Community Center | When: Each Thursday, February 2-23, 2023

This four-week program invites you to relax, socialize, and make awesome art! Every week there will be a new project you can take home at the end of the night. Also, each project will include different mediums and can be uniquely decorated to your liking. All supplies and instruction will be provided, so all you need to do is register and show up with a creative attitude! For more information about this free event, contact Natalie at nchander@chattanooga.gov or call (423) 643-6603.

Challenge Air Fly Day Chattanooga

Where: Wilson Air Center | When: April 29, 2023

The mission of Challenge Air for Kids & Friends, Inc. is to build confidence and self-esteem in children and youth with special needs through the gift of flight. Chattanooga Therapeutic Recreation Services is once again partnering to bring the gift of flight to children with disabilities in our community! Registration opens soon! Visit the [Challenge Air website](#) to stay updated.

Also Check Out

New Park for People With Disabilities Planned for Ringgold, Georgia

Those leading a community effort to construct a new park in Ringgold for families who have members with disabilities are hoping a site will be named in 2023. To read more about the development, visit the [Chattanooga Times Free Press article](#).