

Navigating Veteran Disabilities Under the PACT Act

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
- Respiratory (breathing-related) 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

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

Post 9/11 Combat Veteran Eligibility

The requirements to receive free VA health care as a post-9/11 combat veteran depend on when the veteran was most recently discharged or released.

If the veteran was discharged or released on or after October 1, 2013, they must have either (i) served in a theater of combat during a period of war after the Persian Gulf War, or (ii) served in combat against a hostile force during a period of hostilities after November 11, 1998. If either of these criteria are met, the veteran may be entitled to free VA health care for any condition related to the service for up to 10 years from the date of the most recent discharge or separation.

For a veteran who was discharged or released before October 1, 2013, in addition to meeting the above criteria, the veteran must not have previously enrolled in VA health care. **Veterans who fall into this category can receive care and enroll during a special enrollment period between October 1, 2022, and October 1, 2023.**

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](#).

For assistance navigating the PACT Act or the resources above, contact [Colter](#) or a member of the [estate planning team](#).