



WHAT IS A VATERA MEDICAL OPINION?

TERA (Toxic Exposure Risk Activity) is commonly associated with service-connected injury or death claims filed under the PACT (Promise to Address Comprehensive Toxics) Act. When a Veteran's condition results from a TERA event but there is insufficient evidence to establish a service connection, the VA will arrange a specialty C&P (Compensation & Pension) exam. The findings of this exam are known as a VA TERA medical opinion.

If a Veteran files a non-presumptive claim involving participation in a TERA event, then a specialty C&P exam and TERA medical opinion are warranted.

The VA defines a Toxic Exposure Risk Activity (TERA) as exposure to any of the following hazards during military service:

- Herbicide Agent – 2,3,7,8 – Tetrachlorodibenzodioxin (TCDD)
- Radiation – Ionizing
- Mustard Gas – Nitrogen, Sulfur Mustard or Lewisite
- Camp Lejeune Water Contamination – Perchloroethylene (PCE), Trichloroethylene (TCE), Vinyl Chloride, Benzene
- Burn Pits

Since its passage in August 2022, more than 560,000 claims have been filed under the PACT Act. As of May 12, VA has

issued decisions on about 252,000 of these claims. In an effort to adjudicate claims more quickly, the Veterans Benefits Administration (VBA) recently updated guidelines for claims processors reviewing PACT Act claims and appeals:

Definitions of Toxic Exposure

• **Toxic exposure** pertains to Vietnam-era Veterans exposed to herbicides, Veterans exposed to radiation, TERA, and an ongoing list that “identifies substances, chemicals, and airborne hazards that are appropriate for presumptions of specific toxic exposure for members who served in certain locations.”

• **Toxic-exposed Veterans** includes

Persian Gulf Veterans, Camp Lejeune Veterans, Veterans who participated in a toxic exposure risk activity, and those exposed to chemical or biological warfare testing.

• **Toxic exposure risk activity, or TERA**, is defined as “any activity that requires a corresponding entry in an exposure tracking record system, or that VA determines qualifies for

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purposes of this subsection when taking into account what is reasonably prudent to protect the health of Veterans.”

In issuing these changes, VBA aims to provide clarification and guidance regarding service connection and service-connected death for claims processors handling claims under the PACT Act.

If you need assistance filing a claim under the PACT Act or appealing a decision, the team at the Jan Dils Foundation may be able to assist you. Call us today at **833.534.3577** or send us an email at contact@JanDilsFoundation.com. It won't cost you anything to see if we can help.



Letter From Jan

And here we are in November. It's the beginning of the holiday season, which is a joyous occasion for most of us. But if you have friends or family members who are isolated or shut in, it can be a very depressing time. Please visit them if you can — even a call or a text might make their day.

As a federal holiday, November 11 is officially Veterans Day, but it will also be observed on Friday the 10th this year since Veterans Day falls on a Saturday. So, we have two days this year to honor our Veterans by wishing them a happy Veterans Day and thanking them for their service. Doing so might make their day as well. If you are a Veteran and reading this letter: We salute you!

Did you know that the period between Thanksgiving to New Year's sees an estimated 25,000 injuries from alcohol-related crashes? Thousands

of people will be on the road visiting friends and family this Thanksgiving. If you choose to drink, then please appoint a designated driver to get you and your loved ones safely home.

Finally, I would like to give thanks to all of our Veterans for defending our country and our freedom. We are so very grateful for your service. I would also like to thank our clients — it is our passion and joy to serve you.

All of us at Jan Dils, Attorneys at Law, wish you and your families a happy, joyous and *safe* Thanksgiving!

MINDFULMATTERS

How to Survive Thanksgiving Dinner if You're Watching Your Weight

Thanksgiving is a holiday traditionally centered around food, which can be difficult for those trying to lose weight.

If you have had weight loss surgery or are trying to watch your weight, here are five tips to help you have a healthier Thanksgiving:

1. Don't go hungry.

One of the biggest mistakes you can make is skipping breakfast to "make room" for your Thanksgiving meal. Never go to a holiday party or meal hungry — if you do, you're more likely to overeat by giving yourself bigger portions.

2. Stay in control of your portions.

Use a small, dessert-sized plate to help

keep your portions small and don't feel pressured to try every dish.

3. Take it slow.

You and your loved ones have spent all day preparing this Thanksgiving meal. Eat slowly and be sure to savor every bite. When you start feeling full, stop eating.

4. Contribute a healthy dish.

If you're heading to a loved one's home to celebrate Thanksgiving, you likely won't have control over the majority of the dishes served. So, make plans now to contribute a healthy dish.

5. Don't drink your calories.

Alcohol, soda, sweet tea, cider, punch and even coffee drinks are loaded with so-called "empty calories." Be careful to avoid these liquid calories that won't satisfy your hunger and stay hydrated with plenty of water instead.

Employee Spotlight

Robin Quickle

Meet our newest VA Case Manager, Robin Quickle. Robin has been in the legal field for more than 30 years, and we're thrilled to have her on our team. Robin says she is excited about the opportunity to help Veterans and, of course, we're excited about that, too. Welcome, Robin — we're glad you're here!



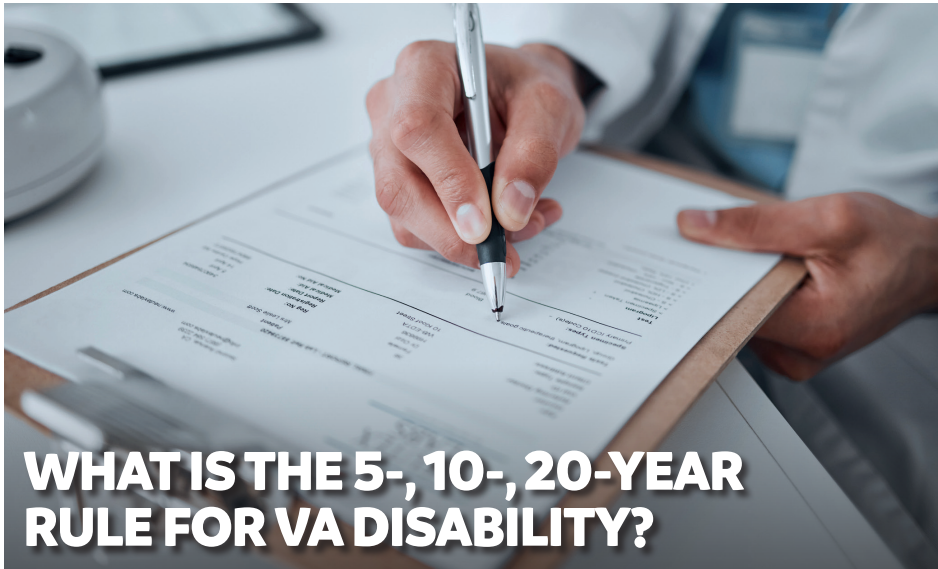
COMMUNITYCORNER

Veteran Stand Down

Our own Jess Hacker and Heather Vanhooze recently attended the Veteran Stand Down at the Homeless Veterans Resource Center in Huntington, WV. Stand Downs are one- to three-day events during which VA staff and volunteers provide food, clothing and health screenings to homeless and

at-risk Veterans. In addition, Veterans also receive referrals for healthcare, housing solutions, employment, substance abuse treatment, mental health counseling and other essential services.

We're always happy to sponsor these events and help our Veterans in any way we can. We appreciate you!



WHAT IS THE 5-, 10-, 20-YEAR RULE FOR VA DISABILITY?

Basically, it means that the VA always retains the right to conduct a reexamination to determine if your disability has improved, worsened or stayed the same.

However, certain ratings “protected” under the VA 5-, 10-, 20-Year Rule are not subject to reevaluations or VA rating reductions:

- **Permanent and Total VA Ratings:** Veterans who have been granted a Permanent and Total (P&T) rating are exempt. The P&T rating signifies that

the service-connected disability is unlikely to improve.

- **Disability Conditions Not Expected to Improve:** Veterans with service-connected disabilities that are deemed permanent and not expected to improve, such as the loss of a limb or a chronic, progressive illness, are exempt.

Here are three critical VA rating rules every Veteran should know:

- **VA Disability 5-year Rule:** The 5-year rule allows the VA to reevaluate

your existing VA disability rating within 5 years of your initial examination, but only if your disability condition is expected to show “material improvement” over time.

- **VA Disability 10-year Rule:** The 10-year rule states the VA can’t eliminate a rating that’s been in place for 10 years or more. Important: Your VA rating can still be reduced (not eliminated) if medical evidence shows that your disability has improved.
- **VA Disability 20-year Rule:** The VA 20-year rule means if your rating has been in effect for 20 years or more, the VA can’t reduce it below the lowest rating it has held for the previous 20 years.

It’s important to note that any VA disability rating can be eliminated or reduced if the VA determines the original rating was based on fraud.

Why does the VA reevaluate my ratings?

The VA conducts reexaminations of VA disability ratings because not all service-connected disabilities are considered permanent. As a result, the VA has the authority to review the cases of Veterans whose conditions are expected to improve over time.

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GRANDMA HOPPEL’S MEATLOAF

Our Recruiting Specialist **Kaydi Hoppel’s** late grandmother was a wonderful cook. The family put together a little book to preserve her favorite recipes.

INGREDIENTS

1/3 cup chopped onion
1/3 cup chopped sweet red pepper
1/3 cup chopped green pepper
3 tbsp. minced fresh parsley
3 minced garlic cloves
1-1/4 tsp. chili powder
1-1/4 tsp. dried sage
1-1/4 tsp. salt
1 tsp. pepper
2 lbs. ground beef

3/4 cup milk
2 beaten eggs
1/4 cup Worcestershire sauce
2/3 cup dry bread crumbs
4 bacon strips
Sauce: 1/4 cup chopped canned tomatoes
1/4 cup ketchup
2 tbsp. brown sugar
1 tsp. salt
1 tsp. ground mustard
1/2 tsp. pepper



DIRECTIONS: Combine the first 9 ingredients in a large bowl. Add beef and mix well. Combine milk, eggs, and Worcestershire sauce and add to the beef mixture. Add dry bread crumbs. Grease a large sheet of foil. Place bacon on foil. Mold meat mixture into a loaf and place over bacon. Seal foil tightly around loaf. Refrigerate for 2 hours or overnight. Place wrapped loaf on a baking sheet. Bake at 350 degrees for 1 hour. Open foil and drain pan drippings. Combine sauce ingredients and spoon over loaf. Bake uncovered for 30 minutes longer or until meat is no longer pink and a meat thermometer reads 160 degrees.

It’s Game Time

COMMONYMS

What’s a commonym, you ask? A commonym is a group of words that have a common trait in the three words/items listed. For example, the words: A car - A tree - An elephant... they all have trunks. These will make you think!

1. The Navy - A Deli - An Absent Teacher
2. A Person - A Watch - A Mountain
3. A Bowling Alley - A Roof - A Street
4. High - Uneven - Parallel
5. Goose - Theresa - Hubbard
6. Mare - Mustang - Bronco
7. Killer Whales - Referees - Old TVs
8. Music - Mail - Safe Deposit
9. Rail - Chain - Picket
10. Palm - Easter - Hot Fudge

Answers: 1. They all have subs 2. They have faces 3. They have gutters 4. Bars in gymnastics 5. Mothers 6. Horses 7. They’re black & white 8. Boxes 9. Fences 10. All Sundays/Sundays

PERSONAL INJURY | VETERANS DISABILITY | SOCIAL SECURITY DISABILITY

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When will they potentially reevaluate my disability rating?

If you have a disability that's expected to improve over time, the VA can reevaluate your condition within 2 to 5 years of your initial examination.

How will they notify me of a reevaluation?

The VA initiates a reexamination by scheduling a C&P exam to assess the extent to which your service-connected disability impacts your work, life, and social functioning, to include the severity of your symptoms.

It is crucial that you attend this appointment or, if necessary, reschedule it for a more suitable time. Failure to do so may provide grounds for the VA to reduce or terminate your VA disability benefits.

**The VA
conducts
reexaminations
of VA disability
ratings because
not all service-
connected
disabilities are
considered
permanent.**

What should I do if I get a proposed VA rating reduction?

If the VA proposes to reduce an existing VA disability rating, you have 60 calendar days to respond. If you disagree with the proposed reduction, you must provide the VA with medical evidence that the disability has not improved.

The experienced VA disability lawyers at the Jan Dils Foundation can help you navigate the assessment and reassessment process. Call us today at **833.534.3577** or email us at **contact@JanDilsFoundation.org**. You served your country, now let us serve you. Your consultation is free.