MEMORANDUM OF AGREEMENT
BETWEEN
DEPARTMENT OF VETERANS AFFAIRS
AND
DEPARTMENT OF DEFENSE

SUBJECT: Implementation of Cooperative Separation Process/Examinations for the Department of Defense and the Department of Veterans Affairs at Benefits Delivery at Discharge sites.

1. PURPOSE: This Memorandum of Agreement (MOA) between the Department of Veterans Affairs (VA) and the Department of Defense (DoD) provides the conditions, stipulations, and responsibilities of each party to support a cooperative separation process that will meet the needs of VA disability compensation evaluation and DoD separation/retirement assessment. This MOA provides the framework for a streamlined transition process for separating/retiring service members who intend to file a claim for VA disability benefits. This MOA is not applicable to active duty personnel referred to the DoD Disability Evaluation System (MEB/PEB process).

2. BACKGROUND: Active component (AC) service members and reserve component (RC) service members on permanent full-time active duty status separating from their active duty obligation or retiring from military service who also intend to file a claim for VA disability compensation must undergo assessment(s) that generate clinical information sufficient to demonstrate that he or she is fit to separate from active duty or retire from military service and to successfully adjudicate his/her disability compensation claim. To fulfill such requirements in the past, the service member underwent two separate physical examinations within months of each other because neither of the examinations fully satisfied the needs of both VA and DoD. A redundant examination process is inconvenient to veterans and service members, delays claims processing and access to VA healthcare, and creates an added cost to the Federal government. Streamlining the process without compromising the gathering of information critical to fulfilling the requirements for both departments was the goal of the creation of DD Form 2697, *Report of Medical Assessment*, which DoD/VA developed as the required means to communicate to VA the medical condition of the applicant at the time of separation.

In 1994, the Army agreed to participate in a test with VA to determine if one separation physical examination could satisfy the needs of both VA and the Army. The test was conducted during 1996 and 1997 at three Army installations and was supported by three Veterans Health Administration (VHA) medical centers, three Veterans Benefits Administration (VBA) regional offices (ROs), and the VA Records Management Center. A final report on this test concluded that the Army separation exam, as it existed in 1994, could be combined with the VA disability evaluation. It also contained a recommendation that some form of a combined process could be expanded to all military services. Since that time, 28 individual Benefits Delivery at Discharge (BDD) sites across the country have developed their own Memorandum of Understanding (MOU) under which they have been providing a cooperative separation examination to individuals who intend to file a claim for VA disability compensation following discharge.

The three Service Medical Departments have implemented or are in the process of implementing the recommendations of past VA/DoD efforts. This MOA provides overarching guidance that builds upon the successes of all cooperative efforts to date. Once Military Treatment Facility (MTF) and BDD site MOUs are executed, they will continue to be honored when leadership on either side changes. Revisions to local MOUs are permissible to address greater cooperation and changes in resources but will be subject to conformance to the scope and responsibilities documented in this MOA.

3. SCOPE: Those members affected by this MOA are AC and RC service members on permanent full-time active duty status who are within 180 days of separating from their active duty service obligation or retiring from military service and who intend to file a claim with VA for compensation based on disabilities incurred or aggravated while on active duty. All military personnel participating in transition seminars will be informed of the VA claims application procedures. Those wishing to participate in the cooperative separation examination process must complete VA Form 21-526, *Application for Compensation or Pension* (or the electronic equivalent), and submit it, along with a copy of their service medical records (SMRs) to VA. (Service medical records, in DoD terminology, are health treatment records.)

4. RESPONSIBILITIES: Both departments will continue to commit appropriate resources to ensure that separation examination processes are adequate to meet both agencies' needs for separation and disability evaluation. VA and DoD will determine at the local level how to implement this agreement by evaluating which entity has the available medical resources (examining physicians, laboratory facilities, examination rooms, and support staff) to conduct examinations and any additional testing and/or screening. VA disability examination protocols will be used to conduct examinations to ensure that VA can evaluate the disability (ies) according to Title 38 of the Code of Federal Regulations.

Convenience of the service member should be considered. When a VA medical facility is not in close proximity to an MTF, VA physicians, VA-contracted physicians, or DoD physicians may conduct the examination in the MTF. VA representatives entering into agreements for contract or DoD-performed cooperative separation examinations will ensure that ongoing VA-sponsored training and quality oversight are included in the MOU.

a. The Department of Veterans Affairs will:

(1) Conduct cooperative separation examinations for the BDD process using not only VA's examination protocols but also Service-recommended laboratory tests and screenings, when applicable. VA, in coordination with the DoD MTF, will determine how close to discharge examinations can be conducted for the BDD program.

(2) Complete examinations no earlier than 180 days prior to the scheduled separation/retirement date.

(3) Provide copies of completed medical examination reports in a narrative format to the DoD MTF's separation processing center(s) for inclusion in the service member's original health treatment records. Where abnormal findings (e.g., clinical findings or laboratory results)

are identified during the examination, the service member, and the service member's primary care manager (PCM) will be advised of the findings.

(4) Provide VA-published examination forms and worksheets.

(5) Avoid duplication of DoD's hospital examination/test results and treatments.

(6) Publicize the availability of this cooperative separation process at all existing BDD sites through the transition assistance and pre-separation programs. Additionally, publicize to service members that if their DD 214, *Certificate of Release or Discharge from Active Duty*, is marked "NO" in Block 17, they are eligible for a one-time dental benefit through VA subject to the requirements/limitations defined in Title 38 USC. Such service members should be informed that they have 90 days from the date of their release from active duty (REFRAD) to contact VA to apply for the dental benefit.

(7) Conduct VA disability examinations within DoD MTFs where cooperative opportunities exist.

(8) Record and track disability examinations and provide the MTF data and numbers on a quarterly basis when requested.

b. The Department of Defense will:

(1) Conduct appropriate service-directed examinations or health assessments for separating service members.

(2) Complete DD Form 2697 no earlier than 180 days prior to the scheduled separation/retirement date.

(3) Use VA's examinations protocols and include Service-recommended laboratory tests and screenings when conducting cooperative separation examinations for the BDD program. DoD, in coordination with VA, will determine how close to discharge examinations can be conducted for the BDD program.

(4) Provide copies of completed medical examination reports, pertinent laboratory and radiology reports, and DD Form 2697, to the VBA BDD and the MTF's separation processing center(s) for inclusion in the service member's original health treatment records. Where abnormal findings (e.g., clinical findings or laboratory results) are identified during the examination, the service member, and the service member's primary care manager (PCM) will be advised of the findings.

(5) Ensure that appropriate medical care is provided for medical conditions found during examination/assessment that require treatment.

(6) Publicize to service members that if their DD 214 is marked "NO" in Block 17, they are eligible for a one-time dental benefit through VA subject to the requirements/limitations

defined in Title 38 USC. Such service members should be informed that they have 90 days from the date of their release from active duty (REFRAD) to contact VA to apply for the dental benefit.

c. VA and DoD will:

VA and DoD agree to work toward a single electronic physical examination. As part of this effort, VA and DoD will define requirements which are consistent across the military services and VA. VA and DoD also agree to begin exploring the technical feasibility, schedule and cost requirements for the implementation of an electronic physical exam.

5. EFFECTIVE DATE, TERMS OF MODIFICATION, TERMINATION:

a. This agreement provides a framework for local MOUs that will address the specifics needed to implement this program.

b. Implementing guidance shall be issued no later than March 31, 2005.

c. This agreement will be effective as of the date of the last signature.

d. Requests for modification of this agreement will be submitted in writing from one party to the other, not less than 30 days prior to the desired effective date of such modification.

e. This agreement will be renewed automatically on its anniversary date unless either party gives a written 90-day notice of termination.

David S.C. Chu — 17 Nov 04

Dr. David S.C. Chu, Under Secretary for Defense
Personnel and Readiness
Department of Defense

Date

1 Dec 17, 2004

Gordon H. Mansfield, Deputy Secretary
Department of Veterans Affairs

Date