

Since I had to work without an original for this letter, some paragraphing may be different from the original. All information is there, just maybe presented different. The enclosed form is probably not formatted like the original, but the information, again, is all there.

DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Washington, D.C. 20420

December 9, 2009

Director (00/21) All VA Regional Offices and Centers

In Reply Refer To: 212
Fast Letter 09-52

SUBJ: Verification of Participation in "Special Operations" Incidents

Purpose

This fast letter provides instructions for verifying a Veteran's involvement in Special Operations Forces classified missions or obtaining related classified documents.

Developing for "Special Operations" Incidents

When a Veteran claims that an injury or disability occurred during a Special Operations assignment, the Veterans Service Representative (VSR) must include the Special Operations development paragraph (Enclosure 1) in the Veterans Claims Assistance Act (VCAA) letter.

If a reply is not received within 30 days, continue to process the claim in accordance with standard procedures.

If the Veteran responds and provides *at least* the location (city/province and country) where the incident took place and the approximate date (within a two-month period) of the incident, the VSR will route the claims folder to the Military Records Specialist (MRS). The MRS will complete the *Special Operations Forces*

Incident document (Enclosure 2) and send it via encrypted e-mail to VAVBASPT/RO/SOCOM.

Handling Incomplete Responses

If the VSR reviews the information provided by the Veteran and determines it is incomplete, the VSR must send a 30-day follow-up letter explaining what information is missing and why the information is needed.

If the Veteran fails to respond to the follow-up letter within 30 days, or submits insufficient information in response to the follow-up letter, continue to process the claim and promulgate a rating decision with the evidence in the claims file. In the decision notification letter, advise the Veteran we were not able to verify an incident in service related to the claimed disability, and identify the information that is still needed to verify the incident.

Information Received from Classified Service Records

The information received from United States Special Operations Command (USSOCOM) will often be from a casualty report and may be limited to the date of injury, location where the injury occurred, and a brief description of the injury or illness. In some instances, the response will only confirm that the Veteran participated in Special Operations due to the operation still being considered classified.

Special Operations are operations that have the characteristics of combat; therefore, 38 CFR 3.304(d) will apply in all cases where a Veteran's participation in Special Operations is verified.

Questions

Questions about this letter should be e-mailed to VAVBAWAS/CO/212A.

/S/

Bradley G. Mayes
Director
Compensation and Pension Service

Enclosures: Special Operations Unit Development Paragraph
Special Operations Forces Incident Form

Enclosure 1

Special Operations Unit Development

The following paragraph will be added to MAP-D at our earliest convenience. In the interim, VSRs should auto text the following paragraph:

Tell us more about your participation in a Special Operations unit by providing the following information on the attached VA Form 21-4138, *Statement in Support of Claim*:

- To which branch of service and component were you assigned?
- What were the dates of your Special Operations tour of duty?
- Provide location (city/province and country) where the incident took place and the approximate date (within a 60-day range).
- If you were not assigned to a Special Operations unit but were attached to one, indicate to which unit and from what dates you were attached.

Please note that if you fail to respond or you provide an incomplete response, this may result in the denial of your claim.

Enclosure 2

Special Operations Forces Incident

Name of veteran: _____ C#:

Social Security Number: _____

MOS/Specialty: _____

Branch of service: _____ Component: _____

Rank/Grade: _____

Special Operations tour of duty dates: From: _____ **To:** _____

If not assigned, veteran was attached to which Special Ops Unit/Service:

From: _____ **To:** _____ **Was the operation classified: Yes** _____ **No** _____

List a brief description of the incidents reported by the veteran:

Incident(s): Were the claimed incident(s) classified: Yes _____ **No** _____

Date of incident #1 (60-day range): _____

Location of incident:

Specific information regarding incident:

Date of incident #2 (60-day range): _____

Location of incident:

Specific information regarding incident:

Submitted by: _____ VARO: _____
(Print)

Phone: _____

Submission Instructions:

The VARO Military Records Specialist will complete as much information as possible and submit this request via encrypted e-mail to noel.hike@va.gov or call Noel Hike at (813) 826-2602. Please allow 60 days for a response before sending a follow-up request.

Your response will *not* include copies of documentation related to claimed incidents. Special Operations Command will research each claimed incident and provide a “sanitized” summary of its research, or a negative reply if it finds no information. For certain incidents, the Command may advise you that it cannot release any information.