

— FWD ASSIST HQ —

FIELD GUIDE

Filing a PACT Act Toxic-Exposure Claim

File a complete toxic-exposure or presumptive
claim under the PACT Act.



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A FWD Assist HQ Field Guide

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This guide is education, not representation. It explains how part of the VA system works so you can handle your own business with confidence. It is not legal or claims advice, and reading it does not create any representative relationship between you and the author. The author is not affiliated with the Department of Veterans Affairs, and nothing here is endorsed by the VA.

This guide prints no live VA dollar figures and no rating percentages on purpose, because they change. Before you make a decision based on any number, check the current figure at va.gov. No book can promise you a rating; the evidence in your file decides the result. Help from an accredited Veterans Service Officer is always free.

In crisis? Call the **Veterans Crisis Line**: dial **988**, then press **1**. You can also text **838255** or chat online at veteranscrisisline.net. It is free, confidential, and available 24/7.

Filing a PACT Act Toxic-Exposure Claim

File a complete toxic-exposure or presumptive claim under the PACT Act.

Companion to *The PACT Act Playbook*.

This is general education, not legal or claims advice, and not guidance for your specific claim. It cannot promise you a rating or an outcome, and no one can. For help with your own claim, see a free accredited representative (see [the back of this guide](#)). Nothing here creates a representative relationship.

Current as of October 2026. Rules, forms, and figures change. Check current details at va.gov.

THE BEST WAY TO USE THIS GUIDE

The strongest position is to be your own informed advocate and to work with a free accredited representative. An accredited Veterans Service Organization, such as the DAV, VFW, American Legion, or a county or state veterans office, helps at no charge. Accredited claims agents and attorneys can help too. They can't charge for work done before VA issues its initial decision on your claim, and after that they may charge a fee within the limits of 38 CFR 14.636. This guide is here so you understand your own situation and can work with them as a full partner instead of handing it over blind. If you'd rather handle this yourself, and you're comfortable doing that, the guide walks you through every step. Either way, you stay in control.

The Outcome and What You Need Before You Start

The outcome: By the end of this guide you'll have filed a complete, well-organized toxic-exposure claim under the PACT Act, on the right form, with your service and diagnosis evidence attached and your effective date protected.

This guide prepares you for the task. It doesn't and can't promise a rating, a percentage, or an outcome. The evidence in your file decides the result.

WHAT YOU NEED BEFORE YOU START

- ☐ Your DD-214 and any deployment, orders, or unit records that show where you served and when.
- ☐ A current diagnosis in a medical record from a licensed provider.
- ☐ The dates and places of the service where the exposure happened (burn pits and other airborne hazards, Agent Orange and other herbicides, Gulf War hazards, or radiation).
- ☐ A way to get on va.gov, or the phone number to call VA: 1-800-827-1000.
- ☐ The name of a free accredited representative, or a plan to connect with one.

When to start: The day you decide to pursue a claim. The first move, an Intent to File, takes minutes and holds your potential start date for a year while you gather the rest. Don't gather evidence first and file later.

Start Here: The Basics

The PACT Act became law on August 10, 2022. It added presumptive conditions for burn pits and other airborne hazards, added new Agent Orange locations and conditions, and added new radiation cleanup sites. A presumption means that if you have a listed condition and the qualifying service, VA treats the condition as connected to service. You don't have to prove what caused it, so you may not need a nexus opinion. You still need two things: proof of where and when you served, and a current diagnosis. The lists change, so the current ones live at va.gov/resources/the-pact-act-and-your-va-benefits.

The Steps

STEP 1

Connect with a free accredited representative before you file.

Find one at va.gov/get-help-from-accredited-representative, or through the American Legion, VFW, DAV, or your county or state veterans office. A representative can read your records and help you see which presumption, if any, fits your service.

Do not pay anyone an upfront fee to file your initial claim. Accredited Veterans Service Organizations help at no charge, and accredited claims agents and attorneys can charge a fee only after VA issues its initial decision, within the limits of 38 CFR 14.636. Anyone charging to file your first claim is a claim shark. Check accreditation with the VA tool before you hand over money or personal information.

Done when you have an accredited representative, or you've decided to file yourself and know how to reach one if your claim branches.

STEP 2

File an Intent to File today.

Submit it online through va.gov/resources/your-intent-to-file-a-va-claim, call 1-800-827-1000, or mail VA Form 21-0966. If you start the online 21-526EZ while signed in, VA records your intent to file for you. It needs no evidence and costs nothing. If you send the complete claim within one year, VA treats the claim as filed on the day it got your intent to file.

If the condition is new to VA, **then** the Intent to File covers it, as long as you list it on the first complete claim you file after the Intent to File. **If** VA already denied the condition, **then** that claim goes on a Supplemental Claim (Step 9). VA's website says an Intent to File can hold your date for a Supplemental Claim, but the regulation says its Intent to File rule doesn't apply to Supplemental Claims. Don't count on it. Send VA Form 20-0995 itself as soon as you can.

Do not wait to gather evidence first. Time before your Intent to File usually can't be counted, and an Intent to File lapses if no complete claim follows within one year.

Where this is written down: 38 CFR § 3.155(b) and (d); 38 CFR § 3.2501(d).

Done when your Intent to File is in and you've saved the confirmation.

STEP 3

Name the exposure group that fits your service.

Each presumption has its own places and dates. Burn pits and airborne hazards cover service on or after August 2, 1990 in places like Iraq, Kuwait, Saudi Arabia and Somalia. They also cover service on or after September 11, 2001 in places like Afghanistan, Djibouti, Syria and Yemen. Agent Orange covers Vietnam and, since the PACT Act, set periods in Thailand, Laos, parts of Cambodia, Guam, American Samoa and Johnston Atoll. Radiation now includes the Enewetak, Palomares and Thule cleanups. The Gulf War undiagnosed-illness rules are their own path.

If your places and dates match a list, **then** move on. **If** you served nearby but not in a listed place, or you aren't sure, **then** take your records to an accredited representative. You can still claim a toxic exposure directly.

Where this is written down: 38 U.S.C. §§ 1116(d), 1119(c) and 1120; 38 CFR §§ 3.307(a)(6), 3.309(d)(3)(ii), 3.317, 3.320 and 3.320a(c).

Done when you can name the exposure group and the dates your service falls under.

STEP 4

Prove where and when you served.

A presumption still needs proof of place and dates. Pull your DD-214 plus orders, deployment records, or unit records that show the location and the dates. Blue Water Navy veterans can check their ship against VA's list of ships that operated in Vietnam waters.

Done when your records show a qualifying place and dates that match the presumption.

STEP 5

Get a current diagnosis on paper.

A presumption removes the fight over what caused the condition. It doesn't remove the need for a diagnosis. Get the condition written in your medical record by a licensed provider. Your description of symptoms helps, but it isn't a diagnosis.

If you have breathing symptoms but a normal breathing test, **then** tell your provider the symptoms haven't gone away and ask what else could explain them. Some small-airway diseases on the PACT list, like constrictive bronchiolitis, don't always show up on standard spirometry.

Done when you have a written diagnosis from a provider in a medical record.

STEP 6

Check each diagnosis against the current presumptive list.

Use the lists at [va.gov](https://www.va.gov) and check every diagnosis you've had since service. The name in your record should match, or clearly fall under, the name on the list.

If the condition is on the list and your service qualifies, **then** you can claim it as presumptive, with no nexus opinion required. **If** it isn't on the list, **then** it isn't presumptive, but you can still claim it directly with medical evidence that links it to your service. Take that branch to an accredited representative.

Where this is written down: 38 U.S.C. § 1120(b); 38 CFR § 3.303(d).

Done when you know, for each condition, whether it's presumptive or needs the direct route.

STEP 7

Keep the burn pit registry separate from your claim.

Since August 2024, VA and the Defense Department put eligible veterans in the Airborne Hazards and Open Burn Pit Registry automatically from military records. VA says being in the registry is optional and has no effect on your health care or benefits. It's a research tool. It doesn't file a claim, and it doesn't prove your exposure.

Done when you know the registry isn't part of your claim, and your service records and statement are doing that job.

STEP 8

Write a specific statement about your exposure.

Use VA Form 21-4138, the Statement in Support of Claim, or a signed page of your own. Name the bases or locations, how long you were there, and how close you were to the burn pit or hazard. Say what was burned if you know, when your symptoms started, and how they affect your work and home life. Stick to what you saw and lived.

Done when you have an honest, specific, signed statement ready to send.

STEP 9

Use the right form for each condition.

For a condition VA has never decided, use VA Form 21-526EZ, the Application for Disability Compensation and Related Compensation Benefits. Name each condition and the presumption, for example: "Chronic bronchitis, PACT Act burn pit presumptive, based on deployment to [place] from [dates]."

If the condition is new to VA, **then** file it on the 21-526EZ. **If** VA denied it before and it's now presumptive, **then** file VA Form 20-0995, the Decision Review Request: Supplemental Claim. Name the PACT Act provision that now covers you and add any new records. VA says it will review the claim again.

Do not put a condition VA already denied on a new 21-526EZ. A decided condition goes on the 20-0995. If you file it within one year of the denial letter, your earlier date can carry forward.

Where this is written down: 38 CFR §§ 3.2501 and 3.2500(h); 38 CFR § 3.114 (effective dates after a change in law).

Done when each condition is on the correct form, described specifically, with the presumption named.

STEP 10

List every condition on its own line.

Claim every condition you believe qualifies, not just the main one. Put each one on its own line instead of one vague description like "breathing problems."

Done when every condition appears as its own line on the form.

STEP 11

Submit the claim and keep proof.

File online at va.gov/disability/file-disability-claim-form-21-526ez, with a representative, in person at a VA regional office, or by mail to: Department of Veterans Affairs, Claims Intake Center, PO Box 4444, Janesville, WI 53547-4444. Online filing gives you a confirmation right away. Attach your service records, diagnosis, and statement. Keep a copy of everything you send.

Done when the claim is in, your evidence is attached, and you've saved proof of what you sent and when.

STEP 12

Track the claim and answer VA on time.

Check status at va.gov/claim-or-appeal-status. If VA asks for more evidence or schedules a compensation and pension (C&P) exam, respond and show up.

Do not skip a C&P exam. If you can't make it, call before the appointment to reschedule. Without good cause, VA decides an original claim on the evidence already in the file, and it denies a Supplemental Claim.

Where this is written down: 38 CFR § 3.655(b).

Done when you're tracking the claim and have answered every VA request and attended every exam.

Recap Checklist

- ☐ Connected with a free accredited representative, and avoided anyone charging to file the initial claim.
- ☐ Filed an Intent to File (VA Form 21-0966) for any new condition.
- ☐ Named the exposure group and dates that fit my service.
- ☐ Proved where and when I served with my DD-214 and orders or deployment records.
- ☐ Got a current diagnosis written down by a licensed provider.
- ☐ Checked each diagnosis against the current presumptive list.
- ☐ Kept the burn pit registry separate from my claim.
- ☐ Wrote a specific, signed statement about my exposure and symptoms.
- ☐ Used the right form: 21-526EZ for a new condition, 20-0995 for one VA denied before.
- ☐ Listed every condition on its own line.
- ☐ Submitted the claim, attached my evidence, and kept copies.
- ☐ Tracking the claim and answering every VA request and C&P exam on time.

Reminder: rules and rates change. Check any current figure at va.gov. Help from an accredited Veterans Service Organization is free. Accredited claims agents and attorneys can't charge for work done before VA issues its initial decision on your claim. After that, they may charge a fee within the limits of 38 CFR 14.636. This guide prepared you for the task. The evidence in your file decides the result.

Get Free, Accredited Help

For anything about your own claim, talk to an accredited representative. Help from an accredited Veterans Service Organization is free. Accredited claims agents and attorneys can't charge for work done before VA issues its initial decision on your claim. After that, they may charge a fee within the limits of 38 CFR 14.636. Free help is available through Veterans Service Organizations such as the DAV, VFW, and American Legion, and through county and state veterans offices.

To find one near you, visit va.gov/get-help-from-accredited-representative. Representation begins only when you sign VA Form 21-22 (for a Veterans Service Organization) or 21-22a (for an individual agent or attorney). With one rare exception for a single unpaid case, only accredited people can represent you before the VA, and only an accredited agent or attorney can charge you a fee. Nothing in this guide creates that relationship.

A warning about claim sharks. Anyone who offers to file your initial claim for a fee, or who guarantees you a rating or a percentage, is selling something you shouldn't buy. Accredited Veterans Service Organizations help at no charge, and accredited claims agents and attorneys may charge only after VA issues its initial decision, within the limits of 38 CFR 14.636. Report predatory companies to the VA Office of Inspector General at 1-800-488-8244.

Keep Going: The Full Guide

This field guide is the short, do-this-now companion to the book *The PACT Act Playbook*. See every FWD Assist HQ title that is out now at fwdassisthq.com/books.

Current as of October 2026. Rules, forms, and figures change. Check current details at va.gov.

About the Author

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J. Erickson is a service-disabled Air Force veteran. He served as a military firefighter and as a veteran service officer, where he spent years walking veterans through the same claims process he writes about now. He holds an MBA and writes plain-language guides for veterans who want to understand the system without a translator.

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