Resolution number: 2022-10

Received: 9 Jun 2022

Title: VA Air Particulate Presumptive Time Frame Elimination

Author: Department Service Officer, Jeremy Wolfsteller

Subject: VA Air Particulate Presumptive Time Frame Elimination

WHEREAS, effective August 5, 2021, claim adjudicators began processing disability claims for asthma, rhinitis and sinusitis on a presumptive basis related to exposure to particulate matter in the Southwest Asia theater and other areas, and

WHEREAS, to be eligible for presumption, a Veteran must meet the following basic entitlement criteria: Has manifested chronic asthma, chronic rhinitis and/or chronic sinusitis, to include rhinosinusitis, within 10 years of separation from the last period of military service; and

WHEREAS, served any length of time in the Southwest Asia theater of operations, as defined in 38 CFR §3.317(e), beginning on August 2, 1990, through the present, as well as Afghanistan, Syria, Djibouti, or Uzbekistan on or after September 19, 2001, now be it,

**RESOLVED, that the 10-year limitation rule be stricken from the regulation allowing any veteran that served in the listed area of operation from August 2, 1990, forward that develops chronic asthma, rhinitis and/or sinusitis to include rhinosinusitis be eligible under presumption and be it finally**

**RESOLVED, that, if passed, by The Department of Minnesota Convention, this resolution be forwarded to The National American Legion Convention in 2022 for action.**

**-------------------------------------------------------------------------------------------------------------------------------DISTRIBUTED to**: Resolutions Assignment Committee **DATE: \_\_\_\_\_\_\_\_\_\_\_**

**BY:** Department

**ACTION: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**VOTE DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\*\*RESULTS:** P – F – R – S (other action\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

**FORWARD ACTION: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

\*\*P=Pass – F=Fail – R=Received & Recorded – Sent Back