

Exceptions to Ordering TERA Examinations

[38 U.S.C. § 1168\(b\)](#) provides that TERA examination requirements do not apply if the Secretary determines there is no indication of an association between the disability claimed by the Veteran and participation in the TERA. Review the job aid below for situations in which TERA examination requirements may or may not apply.

Exception	Scenario	Correct Action
Physical Trauma	The Veteran claims service connection for left knee patellofemoral pain syndrome. The Veteran submits medical evidence of a diagnosis of left knee patellofemoral pain syndrome but submits no other evidence regarding the etiology of the condition. Exposure to burn pits is conceded for this Veteran.	By definition, patellofemoral pain syndrome is a disorder of the knee caused by overuse, injury, or muscle weakness. In the absence of competent medical or scientific evidence to suggest a link between this condition and a toxic exposure risk activity, this condition is exempt from the TERA examination requirements, and the claims processor would not order a TERA examination with medical opinion.
Physical Trauma	The Veteran claims service connection for a left elbow condition. The Veteran submits private medical evidence showing a diagnosis of left elbow arthritis and submits a peer reviewed medical journal article indicating a potential link between arthritis and exposure to air pollution. Exposure to burn pits is conceded for this Veteran.	Follow the guidelines in M21-1, Part IV, subpart i,1,B,1,c to evaluate the submitted evidence. The threshold for determining whether an association may be present is low. Medical assessments that do not support a decision on the merits can still be sufficient to establish an indication of an association for the purposes of requesting an examination. If after reviewing the evidence, it is determined to have probative value that the Veteran's arthritis could be due to burn pit exposure, then a TERA examination with medical opinion should be requested.
Mental Disorders or disabilities that Manifested During Military Service.	The Veteran claims service connection for major depressive disorder. The Veteran submits a statement on VA Form 21-4138 indicating that he started feeling depressed while on	Follow the guidance under M21-1, Part V, Subpart ii, 2, A and M21-1, Part IV, subpart i, 1, B, 1, a-c to determine whether a mental health examination should be ordered with a direct

	<p>active duty and has felt depressed ever since. The Individual Longitudinal Exposure Record (ILER) report shows participation in a TERA. Service treatment records show the Veteran visited a counselor on one occasion for depression in service. A review of VAMC records show the Veteran has a current diagnosis of depression and receives counseling on a regular basis.</p>	<p>opinion. This condition is exempt from the TERA examination requirements, as the claimed condition is a mental disorder. It is also exempt from the TERA examination as the disability manifested during military service.</p>
<p>Mental Disorders</p>	<p>The Veteran claims service connection for a cognitive disorder. The Veteran submits a statement on VA Form 21-4138 indicating symptoms of forgetfulness and issues with processing information. An Individual Longitudinal Exposure Record (ILER) report shows participation in a TERA. The Veteran also submits a statement from his private physician who states that the Veteran's exposure to environmental hazards while on active duty resulted in severe neurobehavioral decline.</p>	<p>Follow the guidelines in M21-1, Part V, Subpart ii, 1, A to evaluate the credibility and competence of the submitted evidence. If after weighing the evidence, it is determined to have probative value that the Veteran's cognitive disorder could be due to the verified TERA, then a mental health examination with TERA medical opinion should be requested. Toxic exposure can result in symptoms of neurobehavioral decline.</p>
<p>Conditions Determined to Have No Positive Association with Herbicide Exposure</p>	<p>The Veteran submits a claim for a stomach cancer and provides current medical evidence of a biopsy. The Veteran served in a location that exposed him to herbicides, but has no other documented TERA exposure.</p>	<p>Review the records to determine if the stomach cancer can be granted on a direct basis. The Secretary has determined that a positive association does not exist between herbicide exposure and digestive cancers, including stomach cancer. This condition is exempt from the TERA examination requirements, and the claims processor would not order a TERA examination with medical opinion. Reference Toxic Exposure Risk Activity (TERA) Exception Job Aid.</p>
<p>Claims for Disabilities that Manifested During Military</p>	<p>The Veteran submits a claim for low back pain. A statement on</p>	<p>Follow the guidance under M21-1, Part V, Subpart ii, 2, A</p>

<p>Service or With an Etiology Not Associated to Toxic Exposure</p>	<p>VA Form 21-4138 indicates that his low back pain is due to multiple landings as a parachutist. DD form 214 shows the Veteran received a Parachutist Badge with Combat Jump Device. Service treatment records show multiple visits for back pain and stiffness.</p>	<p>and M21-1, Part IV, subpart i, 1, B, 1, a-c to determine whether a lumbar spine examination should be ordered. This condition is exempt from the TERA examination requirements, and the claims processor would not order a TERA examination with medical opinion.</p>
<p>Claims for Disabilities that Manifested During Military Service or With an Etiology Not Associated to Toxic Exposure</p>	<p>The Veteran files a claim for cirrhosis. The TERA exposure memorandum documents exposure to asbestos. VAMC treatment records document a long history of treatment for cirrhosis, with several indications in the treatment records that his cirrhosis was due to 20 years of chronic alcohol abuse post-service. There is no evidence that the alcohol abuse is secondary to a service-connected disability.</p>	<p>This condition is exempt from the TERA examination requirements, as the evidence of record indicates the condition is related to an etiology that is not associated with toxic exposures (post-service alcohol use). Per M21-1, Part X, Subpart iv, 1, D, 1, h, service connection for secondary disabilities resulting from alcohol abuse is prohibited. No examination or opinion should be ordered.</p>