TRUE NORTH PAPER CO.

Gulf War Illness: The Deadline That Isn't

The Truth About the Dec. 31, 2026 ‘Deadline’ — What the PACT Act Actually Changed, What the Presumption Covers, and Your Do-It-Now Action Plan

7 chapters, 10 visual guides, every rule linked to its official source — plain English, veteran to veteran

Please Read This First

This book is for educational purposes only. It is not legal advice, it is not medical advice, and it is not advice from the Department of Veterans Affairs. Veterans law and VA procedures are technical and they change. Always confirm current forms, deadlines, and procedures at va.gov, in the current Code of Federal Regulations, or with a VA-accredited representative before making decisions. Where this book says “confirm current,” take it seriously.

Nothing in this book guarantees any rating, benefit amount, or claim outcome. Only the VA decides claims, and it decides on your actual service record, medical evidence, and the law in effect when it decides — not on what a book says.

All veterans, spouses, family members, buddies, doctors, units, timelines, and claim scenarios in this book's examples are fictional. They were invented to teach the concepts. Any resemblance to real people is a coincidence. Do not present fictional examples as real facts. Form numbers, statute numbers, and regulation numbers cited are real — verify them in primary sources.

For decisions about your own situation, work with a VA-accredited Veterans Service Organization (such as D.A.V., the American Legion, or V.F.W., or your state or county veterans service office), or a VA-accredited attorney or claims agent. V.S.O. representation is free. This book does not give medical advice: talk to your doctor about your health.

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Introduction: The Deadline That Isn't

You've probably seen the warning. Maybe an advocate told you, maybe a law firm's website said it, maybe a benefits guide spelled it out in bold letters: your Gulf War illness symptoms must be documented and rated at least 10 percent by December 31, 2026, or the presumptive path to VA disability compensation closes.

Here is what you need to know before you read another word: that deadline no longer exists in federal law. Congress erased it more than three years ago through the PACT Act. The warning you're seeing comes from a regulation that still prints the old language — language the VA itself has acknowledged no longer reflects the controlling statute.

> **NOTE**
>
> December 31, 2026, is not a deadline to file a claim, nor is it a date by which a qualifying Gulf War condition must appear or reach a compensable level. Any condition that surfaces after that date does not, for that reason alone, lose eligibility for the presumption.

That is not this book's opinion. That is the state of the law as of 2026, and this book will show you exactly where it comes from: the statute Congress rewrote, the regulation that fell behind, and the VA's own current guidance — every one of them linked to its official source.

So why write a whole book about a deadline that isn't real? Three reasons. First, because the stale warning is everywhere, and it is pushing veterans to either panic-file sloppy claims or give up entirely — both are mistakes this book will keep you from making. Second, because there is a real practical risk: a claims processor working from the outdated regulation text could still deny you, and the way you beat that is with airtight

documentation — which this book teaches you to build. Third, because the underlying presumption itself is genuinely powerful: it lets you win service connection without proving your service caused the condition. That is worth understanding in full.

This book is written veteran to veteran, in plain English. Every chapter ends with what to do next. And every rule in it is linked to its official source, because you should never have to take a book's word for what the law says — not even this one.

CHAPTER 1

Chapter 1: The Warning You're Seeing Everywhere

What the old rule said

For years, the rule worked like this. Under 38 CFR 3.317 — the regulation implementing the Gulf War presumption — a qualifying chronic disability had to become manifest to a degree of at least 10 percent not later than December 31, 2026. (Before a 2022 extension, the date was December 31, 2021; the extension moved it to 2026 via a Federal Register rule.)

Two things about the old rule were always true, and they still matter:

1. It was a symptom date, not a filing date. You never had to file by the deadline. Your symptoms had to have appeared — and reached 10 percent — by it. A veteran could file in 2027 or later, as long as medical records showed the condition was there by the cutoff.
2. The 10 percent threshold was the lowest rating that pays compensation. Ten percent is the minimum compensable rating in VA's schedule, so the rule effectively said: your condition had to be bad enough to rate by the deadline.

Advocates, law firms, and benefits guides repeated this warning for good reason — it was the law, and missing it could cost a veteran the presumptive path. The problem is that the law changed, and much of the warning infrastructure never updated.

Why the confusion is understandable

The regulation still says what it says. If you open 38 CFR 3.317 today, you will still find the December 31, 2026 date and the 10 percent threshold printed in the text. It has not been amended since September 2021. Anyone who reads the regulation — a veteran, a VSO, even a lawyer — and stops

there will conclude the deadline is real.

That is exactly what is happening. Benefits guides, firm websites, and social media graphics keep circulating the warning because they are reading the regulation as written. They are not wrong about what the regulation prints. They are wrong about what the law says — and when a statute and a regulation conflict, the statute wins.

NOTE

Do this today: bookmark the VA's current Gulf War page (Gulf War illnesses linked to Southwest Asia service). Notice what is not on it: any deadline. The VA's own guidance already reflects the post-PACT Act reality.

CHAPTER 2

Chapter 2: What Congress Actually Did

The PACT Act rewrote the statute

On August 10, 2022, the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act — the PACT Act — became law. Among many other things, it rewrote 38 U.S.C. 1117, the statute that creates the Gulf War presumption.

Under the current law, a qualifying chronic disability may become manifest to any degree at any time. Read that again: any degree, any time. Congress removed both the December 31, 2026 date and the requirement that the condition reach 10 percent within a set presumptive period.

In practical terms: there is no longer a date by which a Gulf War condition must appear or reach a certain severity to qualify for the presumption. A condition that surfaces after December 31, 2026 does not lose presumptive eligibility for that reason alone.

Statute beats regulation — and VA says so

This is the legal point that ends the argument. When a federal regulation conflicts with the statute it implements, the statute controls. The VA has acknowledged this directly: where 38 CFR 3.317's old language conflicts with the PACT Act's rewrite of 38 U.S.C. 1117, the statute governs — meaning the law that removed the deadline is what applies, not the regulation that still shows one.

Reporting on this discrepancy in September 2026 confirmed the VA's position: the agency knows the regulation is stale, and it treats the statute as controlling.

What did NOT change

Removing the deadline did not remove the other requirements. You still must show:

- Qualifying service — active duty in a recognized location during the qualifying period (Chapter 5).
- A qualifying chronic disability — an undiagnosed illness or a medically unexplained chronic multisymptom illness, chronic for at least 6 months (Chapter 4).
- Rating requirements — whatever disability rating the VA ultimately assigns follows the normal rating schedule. The presumption gets you service connection; the rating still depends on severity.

The presumption removes the need to prove a medical nexus between service and the condition. It does not remove the need for evidence that the condition exists and is chronic.

NOTE

Do this today: if someone tells you the deadline is real, you now know more than they do. The controlling law is 38 U.S.C. 1117 as amended by the PACT Act (2022). The regulation (38 CFR 3.317) is behind — and the VA agrees the statute controls.

CHAPTER 3

Chapter 3: Why the Warning Won't Die

A regulation frozen in 2021

The core reason the warning persists is simple: 38 CFR 3.317 has not been amended since September 2021 — nearly a year before the PACT Act rewrote the statute it implements. Every website, guide, and advocate that cites the regulation as written is reading law that Congress already replaced.

The VA has moved to fix this. In 2024, as part of a broader effort to align its regulations with the PACT Act, the agency proposed removing the outdated deadline and threshold language from 38 CFR 3.317. As of 2026 reporting, that change was still not final. Until it is, the stale text sits in the Code of Federal Regulations, waiting to mislead the next reader.

The practical risk: the uninformed rater

Here is why this book still tells you to act with urgency. A claims processor or examiner who works from the regulation text — and never got the memo about the statutory change — could deny your claim citing the December 31, 2026 date or the 10 percent threshold. That denial would be legally wrong, and it would be beatable on appeal. But appeals take months or years, and you would rather win the first time.

The defense against a bad denial is the same defense that wins good claims: documentation. A record that shows chronic symptoms, with dates and frequency, documented by medical providers, is hard to deny under any version of the rule. Chapters 6 and 7 build that record with you.

What to say when someone cites the deadline

- "The PACT Act rewrote 38 U.S.C. 1117 in 2022 — the condition can now manifest to any degree at any time."
- "38 CFR 3.317 still prints the old date, but the VA has acknowledged the statute controls."
- "The VA's own current Gulf War page lists no deadline."

NOTE

Do this today: check anything you previously read about the deadline against the statute. If a guide still warns about December 31, 2026 without mentioning the PACT Act change, treat everything else in that guide with caution — it is working from outdated law.

CHAPTER 4

Chapter 4: What the Presumption Actually Covers

The two categories

The Gulf War presumption covers qualifying chronic disabilities in two categories:

1. Undiagnosed illnesses

Symptoms with no underlying diagnosis that a doctor can identify — even after examination. The VA lists examples: fatigue, pain, cognitive problems, skin manifestations, headaches, neurological symptoms, sleep disturbances, cardiovascular or pulmonary or digestive symptoms, abnormal weight loss, menstrual disorders. A diagnosis is not required for an undiagnosed-illness claim. The symptoms themselves, if chronic, are the claim.

2. Medically unexplained chronic multisymptom illnesses (MUCMI)

Diagnosed conditions with no conclusive cause, explicitly recognized:

- Chronic fatigue syndrome (myalgic encephalomyelitis/chronic fatigue syndrome)
- Fibromyalgia
- Functional gastrointestinal disorders (including irritable bowel syndrome)

These are presumptive for qualifying veterans — no nexus letter needed.

The 6-month rule

Whatever the category, the disability must be chronic: it must have persisted for at least 6 months. This is the requirement that still has teeth

after the PACT Act. A symptom that flared for two months and vanished is not a qualifying chronic disability. Six months of documented continuity is.

Infectious diseases have their own windows

Separately, certain infectious diseases are presumptive with their own manifestation windows — these were not affected by the deadline debate the same way:

- Within 1 year of separation: brucellosis, campylobacter jejuni, coxiella burnetii (Q fever), malaria, nontyphoid salmonella, shigella, West Nile virus.
- Any time after separation: mycobacterium tuberculosis, visceral leishmaniasis.

See the VA's current page (Gulf War illnesses linked to Southwest Asia service) for the full lists — confirm current, as presumptive lists can expand.

Why mild, undocumented symptoms are the real enemy

The deadline is gone, but this danger is not: mild symptoms that were never written down are hard to prove later. The presumption excuses you from proving causation. It does not excuse you from proving the condition exists. A veteran who tells the VA "I've been exhausted for years" with no medical record of it is asking a rater to take it on faith. A veteran with clinic notes, a symptom log, and buddy statements is presenting evidence. Chapter 7 shows you how to build it.

NOTE

Do this today: write down every symptom you have had for 6 months or more — fatigue, pain, GI trouble, headaches, sleep problems, memory issues — with when each started and how often it hits. This rough list becomes your symptom log and your doctor-visit agenda.

CHAPTER 5

Chapter 5: Who Qualifies

Service requirements

The presumption applies to veterans who served on active duty in a recognized location on or after August 2, 1990. There is no end date to the qualifying service period — the Persian Gulf War has no officially established end date, which is one reason the old presumptive window kept getting extended.

Recognized locations

For undiagnosed illnesses and MUCMI, the VA recognizes service in:

- Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, Oman, the United Arab Emirates
- The neutral zone between Iraq and Saudi Arabia
- The waters of the Arabian Sea, Gulf of Aden, Gulf of Oman, Persian Gulf, and Red Sea
- Added by the PACT Act: Afghanistan, Israel, Egypt, Turkey, Syria, and Jordan

Note the PACT Act expansion: veterans of Afghanistan service who developed MUCMI or undiagnosed-illness symptoms now fall under the Gulf War presumption framework — even though their deployments came decades after the original Gulf War. If you served in Afghanistan and have chronic fatigue, fibromyalgia, IBS-type symptoms, or unexplained chronic symptoms, this presumption may apply to you.

The infectious-disease presumptions use a slightly different location list (confirm current on the VA's Gulf War page).

What you still have to prove

To be clear about what the presumption does and does not do:

- You do NOT have to prove that your service caused the condition. That is the entire point of a presumption.
- You DO have to show qualifying service, a qualifying chronic disability (6+ months), and evidence the condition exists — medical records, lay statements, your own testimony.

NOTE

Do this today: confirm your service qualifies — DD214 showing active duty in a recognized location on or after August 2, 1990. If you served in Afghanistan, Israel, Egypt, Turkey, Syria, or Jordan, the PACT Act expansion covers you. Pull your DD214 now if you don't have it in hand.

CHAPTER 6

Chapter 6: Why You Should Still Act Now

The deadline is gone. So why does this book keep telling you to move? Because every one of these is still true:

1. Stale law gets misapplied

Until 38 CFR 3.317 is updated, someone in the system may still deny you on the old date or the old 10 percent threshold. A denial you can beat on appeal is still a denial — it costs you months. The veteran with a thick, dated, documented record rarely gets that denial in the first place.

2. Evidence decays

Memories fade. Buddies die or lose touch. Doctors retire and records get archived. Every month you wait, your evidence gets thinner. The symptoms you document this week are evidence forever; the symptoms you remember next year are testimony.

3. Your effective date is money

VA compensation is paid from your effective date — generally the date you file (or the date of your Intent to File). Filing an Intent to File (VA Form 21-0966) locks in a potential effective date for up to one year while you gather evidence. Every month you delay filing is a month of back pay you may never recover.

4. Denied before? The PACT Act reopened doors

The PACT Act directed the VA to reassess certain previously denied Gulf War claims in light of the expanded geographic scope and the rewritten statute. If you were denied before August 2022 — especially on the old deadline or threshold grounds — you may have grounds for a Supplemental

Claim (new and relevant evidence) or a new claim under the corrected law. Do not assume an old denial is the last word. The VA decision reviews page lays out your lanes — confirm current.

5. The rating still depends on severity

The presumption wins service connection. Your monthly amount still depends on your rating, and ratings depend on documented severity. Getting symptoms into your medical record now — with dates, frequency, and functional impact — is what turns a 0 percent service-connected rating into compensation that matters.

NOTE

Do this today: file an Intent to File at va.gov/forms/21-0966 if you have not already. It costs nothing, takes minutes, and preserves a potential effective date for up to a year while you build the rest of your claim. Then work Chapter 7.

CHAPTER 7

Chapter 7: Your Action Plan

Step 1: See a doctor — and get it in the record

Make an appointment (VA or private) specifically to document your symptoms. Tell the doctor you are there to get your chronic symptoms into your medical record. For each symptom, the record should show: what it is, when it started, how often it occurs, and how it affects your daily life. "Fatigue" is weak. "Chronic fatigue since 2019, 4-5 days per week, documented at sick call and in 2021, 2023, and 2025 clinic notes, limits work to 4-hour days" is evidence.

Step 2: Keep a symptom log

Write down flare-ups, missed work, and limits — dated. A simple notebook works. Note frequency ("diarrhea and cramping 3 times a week"), triggers, and what you couldn't do. Bring the log to every appointment so the doctor's notes reflect it.

Step 3: Get buddy and family statements

Lay statements from people who witnessed your symptoms carry real weight. A spouse who describes your daily reality, a buddy who saw it in theater, a coworker who watched you miss shifts. Each statement should be signed, dated, and specific: who they are, how they know you, what they observed, when.

Step 4: File your Intent to File

VA Form 21-0966 — online at va.gov, by mail, or by phone. One year of effective-date protection while you gather everything else. Do this before you file the full claim.

Step 5: File the claim right

VA Form 21-526EZ — list each condition separately and specifically. Upload your evidence: medical records, your symptom log, lay statements, your DD214. Be specific when naming conditions ("chronic fatigue syndrome," "fibromyalgia," "irritable bowel syndrome," "undiagnosed chronic joint pain").

Step 6: Get a toxic exposure screening

Ask the VA for a toxic exposure screening. It gets exposure into your record and can surface additional presumptive paths.

Say it so VA connects it

The words you use matter. Vague language gets vague results.

- Instead of: "I've had stomach problems for a while."
- Say: "Since 2019, I've had diarrhea and cramping 3 times a week, documented by Dr. [name] in [month/year]."
- Instead of: "I'm always tired."
- Say: "Since returning from [location] in [year], fatigue has limited me to [number] hours of work a day, documented in my [year] VA clinic notes."
- Instead of: "I'll deal with it later."
- Say: "I'm getting my symptoms documented now and I filed an Intent to File on [date]."

Don't confuse this with PACT Act burn pit claims

The PACT Act also created separate presumptives for burn pit and toxic exposures (certain cancers, respiratory conditions, and more). Those have no 2026 cutoff and never did — they are a different legal path from the Gulf War undiagnosed-illness presumption. Many veterans qualify under both. If you were exposed to burn pits, file under both theories; they are not mutually exclusive. Confirm the current burn pit presumptive list on va.gov.

Get free accredited help

You never have to do this alone, and you never have to pay for initial help. A VA-accredited Veterans Service Organization (DAV, VFW, American Legion, your state or county veterans office) will file your ITF and your claim for free. Look up accredited representatives at the VA accreditation search or find a free VSO. Never pay anyone to prepare or file your initial claim, and never give anyone your va.gov login.

Your Do-It-Now Checklist

- ☐ Wrote down every 6+ month symptom with start dates and frequency
- ☐ Filed Intent to File (VA Form 21-0966) — effective date locked
- ☐ Scheduled a doctor visit specifically to document symptoms
- ☐ Started a dated symptom log (flare-ups, missed work, limits)
- ☐ Asked 1-2 buddies or family members for lay statements
- ☐ Pulled DD214 confirming qualifying service location and dates
- ☐ Filed the full claim (VA Form 21-526EZ) with evidence uploaded
- ☐ Requested a VA toxic exposure screening
- ☐ Connected with a free accredited VSO for review

CHAPTER 8

Quick Answers

Is December 31, 2026 a deadline to file my Gulf War claim? No. It was never a filing deadline even under the old rule, and under current law (38 U.S.C. 1117 as rewritten by the PACT Act) there is no date by which your condition must appear or reach a severity level. File when your evidence is ready — but file an Intent to File now to protect your effective date.

Do my symptoms have to reach 10 percent? Not to qualify for the presumption. The old 10 percent manifestation threshold was removed by the PACT Act along with the date. Your rating still depends on severity under the rating schedule — 10 percent is the lowest compensable rating — but the presumption no longer requires it as a gateway.

Why does the regulation still show the deadline? 38 CFR 3.317 has not been amended since September 2021. The VA has acknowledged the statute controls and proposed updating the regulation in 2024; as of 2026 the update was not final. Confirm current status in the Federal Register.

I was denied before the PACT Act. Am I done? No. The PACT Act directed VA to reassess certain previously denied claims, and the corrected statute may give you grounds for a Supplemental Claim or a new claim. Talk to an accredited VSO about your old denial.

I served in Afghanistan, not the Gulf. Does this apply? Possibly. The PACT Act expanded the recognized locations to include Afghanistan, Israel, Egypt, Turkey, Syria, and Jordan. If you have MUCMI or undiagnosed chronic symptoms and qualifying service in one of those locations, the presumption framework may cover you.

Do I need a nexus letter? No — that is the point of a presumption. You need qualifying service, a qualifying chronic disability, and evidence the condition exists. A nexus letter does not hurt, but the law does not require one.

Should I still hurry? Yes — for practical reasons, not legal ones. Evidence decays, your effective date is money, and a well-documented file beats a misapplied stale regulation. File your Intent to File today.

Appendix A: Sources and Links

Every rule cited in this book, linked to its official source. If a link has moved, search the site — the document titles are given so you can find them.

- VA — Gulf War illnesses linked to Southwest Asia service (current presumptive guidance, locations, conditions): va.gov — Gulf War illness, Southwest Asia
- 38 CFR 3.317 — the regulation (note: still prints pre-PACT Act language as of 2026): eCFR — 38 CFR 3.317
- Federal Register, Feb. 3, 2022 (87 FR 6038) — the rule that extended the old deadline to Dec. 31, 2026: federalregister.gov/d/2022-02176
- Military.com, Sept. 14, 2026 — "Gulf War Veterans Warned About Dec. 31 Benefits Deadline That Congress Ended Years Ago" (reporting on the statute/regulation discrepancy and VA's position): military.com — deadline warning article
- Military.com — "Gulf War VA Disability Presumption Deadline Is Dec. 31, 2026" (companion explainer): military.com — deadline explainer
- VA Form 21-526EZ — file a disability compensation claim: va.gov/forms/21-526EZ
- VA Form 21-0966 — Intent to File (protects your effective date up to 1 year): va.gov/forms/21-0966
- VA decision reviews and appeals (Higher-Level Review, Supplemental Claim, Board): va.gov/decision-reviews
- VA accreditation search — verify any representative: va.gov/ogc/apps/accreditation
- Find a free accredited VSO: va.gov/get-help-from-accredited-representative/find-rep

Statutes and regulations cited (look up current text before relying on them): 38 U.S.C. 1117 (as amended by the PACT Act, Pub. L. 117-168, Aug.

10, 2022); 38 CFR 3.317; 38 CFR 3.320 (PACT Act toxic exposure presumptives); 38 CFR 3.400 (effective dates); Federal Register Feb. 3, 2022 (87 FR 6038).

Appendix B: Glossary

- 38 U.S.C. 1117 — the federal statute creating the Gulf War presumption; rewritten by the PACT Act in 2022.
- 38 CFR 3.317 — the VA regulation implementing the presumption; still prints pre-PACT Act deadline language as of 2026.
- Effective date — the date VA starts paying; generally your filing date or ITF date.
- Intent to File (ITF) — VA Form 21-0966; reserves a potential effective date for up to one year.
- MUCMI — medically unexplained chronic multisymptom illness (chronic fatigue syndrome, fibromyalgia, functional GI disorders).
- PACT Act — 2022 law expanding toxic-exposure presumptives and rewriting 38 U.S.C. 1117.
- Presumption — a legal shortcut: qualifying service + qualifying condition = service connection without proving causation.
- Undiagnosed illness — chronic symptoms with no identified underlying diagnosis; no diagnosis required to claim.
- VSO — Veterans Service Organization; accredited reps file claims free.

Appendix C: Keep Going — Free Resources and 25% Off

This book is free — and it comes with two more free things.

1. Join the free newsletter

The VA Files newsletter sends plain-English updates when the law changes, when presumptive lists expand, and when new guides drop. Sign up free at thevafiles.com — it's how you'll hear first if 38 CFR 3.317 finally gets updated to match the statute.

2. Take 25% off the full VA claims library

Use coupon code VAFILES25 for 25% off store-wide at the True North Paper Co. Etsy shop — and the same code takes 25% off at our Ko-fi shop (ko-fi.com/truenorthpaperco). Twelve more in-depth VA claims guides are waiting (see the next page), each one built like this book: plain English, veteran to veteran, every rule linked to its official source.

NOTE

Do this today: join the newsletter at thevafiles.com, then use VAFILES25 on the paid guide that fits your next claim.

Appendix D: The True North Paper Co. VA Claims Library

Every guide below is a full-length ebook in the same format as this one — chapters, checklists, visual guides, every rule linked to its official source. Use VAFILES25 for 25% off.

- Day One to DD214 — the VA benefits playbook for new service members: paper trail, SGLI, TSP, GI Bill.
- Before You Hang Up the Uniform — pre-discharge VA prep playbook with BDD filing guide, checklists, and visual planners.
- The T.D.I.U. Field Guide — VA Individual Unemployability claims, start to finish.
- Filing for MST — a survivor's guide to MST VA claims: why survivors hesitate, what counts, how to file.
- The PACT Act Claim Organizer — toxic exposure VA disability claims, with worksheets.
- VA Rating Reduction vs. Severance — know which action VA is proposing and how to fight it.
- SSDI for Veterans — Social Security Disability Insurance explained: VA benefits, SSI, credits, appeals, how to file.
- VA Pension Field Guide — needs-based pension for wartime veterans, 2026 MAPR rates, Aid and Attendance.
- VA Secondary Conditions Guide — PTSD, mental health, and medication claims; 38 CFR 3.310 explained.
- Obesity and Your VA Claim — direct and secondary VA disability after Adams v. Collins, with nexus and C&P scripts.
- Lost Records, Won Claim — what to do when the VA or your branch lost your records: reconstruction, duty to assist, appeals.
- What's a C-File and How Do I Use It? — decode your VA claims file: C&P exams, ratings, and appeals.

Find them all at the True North Paper Co. Etsy shop and at ko-fi.com/truenorthpaperco. Coupon code VAFILES25 works at both.