

Section E. Claims for Service Connection for Certain Disabilities Associated With Gulf War (GW) Service

Overview

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18. Developing Claims for Service Connection for Certain Disabilities Associated With GW Service

Introduction

This topic contains information on developing claims for service connection for certain disabilities associated with Gulf War (GW) service. It includes information on

- initial development action on a new claim
- requesting service department records, and
- the action to take when no disability is claimed.

Change Date

September 29, 2006

a. Initial Development Action on a New Claim

When preparing the initial development letter for any new claim for service connection for a disability resulting from GW service

- use the GW special issue screen in Modern Awards Processing-Development (MAP-D) to request evidence from the veteran, and
- enclose the attachment, “Submitting Evidence for Claims About Gulf War Undiagnosed Illnesses,” if necessary.

Reference: For more information on claims for service connection for disabilities associated with Gulf War service, see M21-1MR, Part IV, Subpart ii, 2.D.

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18. Developing Claims for Service Connection for Certain Disabilities Associated With GW Service, Continued

b. Requesting Service Department Records

In addition to service medical records (SMRs), request

- clinical records, if the veteran furnishes information on the application about specific inpatient treatment, and
- the dates of service in the Southwest Asia theater of operations during the GW (beginning August 2, 1990), if this information is not already of record.

Notes:

- Concurrently request clinical records and SMRs, if both are needed.
- Confirm the veteran's service in the Southwest Asia theater of operations by calling the veteran's Reserve or National Guard unit if
 - the veteran is, or was, at the time of service in Southwest Asia, a member of a Reserve or National Guard unit, or
 - this information is not received following usual service department requests.

Important: Be sure to document the telephone call to the veteran's Reserve or National Guard unit on *Report of Contact, VA Form 119*.

References: For more information on requesting

- clinical records, see M21-1MR, Part III, Subpart iii, 2.B.12.c, and
- SMRs, see M21-1MR, Part III, Subpart iii, 2.

c. Action to Take When No Residual Disability Is Claimed

A claim is not substantially complete if a veteran alleges exposure to environmental hazards during service, but does not claim service connection for a specific disability. In cases such as these

- inform the veteran that he/she *must* identify a specific disability, since exposure in and of itself is not a disability, and
- ask the veteran to identify the disability(ies) that resulted from exposure to environmental hazards during service.

Important:

- Do not
 - process the claim as a denial, or
 - establish end product (EP) control for the incomplete claim.
 - Whenever possible, telephone the veteran to obtain the information needed to substantiate the claim.
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19. Evidence Required to Process Claims Based on GW Service

Introduction

This topic contains information on the evidence required to process claims that are based on service in the GW theater of operations. It includes information on

- requesting medical evidence
 - evidence supporting a claim for SC for an undiagnosed illness
 - nonmedical indications of a disability
 - lay statements
 - determining the credibility of a lay statement, and
 - medical examinations.
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Change Date

December 13, 2005

a. Requesting Medical Evidence

Request reports of all private and Department of Veterans Affairs (VA) medical treatment that is indicated by the veteran, both during and after service, including records such as

- statements or reports from
 - doctors
 - hospitals
 - laboratories
 - medical facilities, and
 - mental health clinics
- x-rays, and

- physical therapy records.

Note: If the veteran indicates that a GW Registry examination has been conducted, request the examination report from the appropriate medical facility.

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19. Evidence Required to Process Claims Based on GW Service, Continued

b. Evidence Supporting a Claim for Service Connection for an Undiagnosed Illness If the disability claimed is an undiagnosed illness, evidence supporting the claim may be either medical evidence or nonmedical indications that can be independently observed or verified.

c. Nonmedical Indications of a Disability Nonmedical indications of a disability include

- events such as time lost from work, and/or
- evidence
 - that a veteran has sought medical treatment for his or her symptoms, and/or
 - affirming changes in the veteran’s appearance, physical abilities, and mental or emotional attitude.

The provisions of [38 CFR 3.317](#) state that the nonmedical indicators *must* be independently verifiable. This means that it must be possible to obtain verification of the nonmedical indicators from an independent source.

d. Lay Statements Lay statements (statements from persons not trained in a medical profession) may be especially important in cases where an undiagnosed illness

- is manifested solely by the symptoms which the veteran reports, and
 - might not be verifiable by medical examination.
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19. Evidence Required to Process Claims Based on GW Service, Continued

e. Determining the Credibility of a Lay Statement A lay statement that is based on personal observation or experience is credible if the

- person making the statement is/was in a position to know the facts attested to
- statement is sufficiently specific to address the facts, and
- statement is not contradicted by evidence of record that is more credible.

On occasion, the lay statement may require clarification. Generally, however, unless there is reason to doubt statement's credibility, do not attempt to corroborate it.

f. Medical Examinations When an undiagnosed illness is claimed, a thorough medical examination report is essential to

- rule out known diagnoses, and
- provide an accurate picture of the claimed disability for rating purposes, where possible.

Order specialist examinations, as appropriate, such as

- pulmonary function studies for breathing problems
- neurological evaluations for headaches, or
- psychiatric/neuropsychiatric examinations for memory loss or fatigue.

Notes:

- Ask the veteran to identify the specific areas affected if multiple joint or muscle pain is alleged.
- When nonspecific complaints are presented, the examiner must address these issues.

Example: The examiner should provide answers to the following questions to document nonspecific complaints:

- (1) Are there clinical, objective indicators for the following symptoms?:
 - (a) fatigue: _____ Yes _____ No
 - (b) joint pain: _____ Yes _____ No
 - (c) [List all alleged symptoms.]
 - (2) Are any of the aforementioned symptoms attributable to a “known” clinical diagnosis? Please specify.
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