

VA Benefits and Services

Presumptive Disability



WHAT IS A **PRESUMPTIVE CONDITION?**

A condition that is automatically assumed to be the result of your military service is a presumptive condition.



Requirements

- Current Diagnosis of a listed condition
 - Exposure or time in service requirement
 - Meets the criteria of at least 10%
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Presumptive Disability

- Radiation Exposure
 - Asbestos
 - Agent Orange/Herbicide Exposure
 - Former Prisoner of War
 - South West Asia Service
 - Camp LeJeune Contaminated Water
 - Within 1 year of discharge
 - ALS
- 



Radiation

- claims for service connection (SC) based upon exposure to ionizing radiation as a consequence of service with the occupation forces of Hiroshima or Nagasaki, Japan, or
 - claims for SC based upon exposure to ionizing radiation in connection with nuclear testing.
 - 30 years for leukemia, and
 - 40 years for all other diseases.
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Asbestos

- fibrosis, the most commonly occurring of which is interstitial pulmonary fibrosis, or asbestosis
 - tumors
 - pleural effusions and fibrosis
 - pleural plaques (scars of the lining that surrounds the lungs)
 - mesotheliomas of pleura and peritoneum, and
 - cancers of the
 - lung
 - bronchus
 - gastrointestinal tract
 - larynx
 - pharynx, and
 - urogenital system, except the prostate.
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Agent Orange

Cancers

- bone and joint
- brain and nervous system (including eye)
- breast
- digestive (including esophagus, stomach, colon-rectum, small intestine, and anus)
- endocrine (including thyroid and thymus)
- hepatobiliary (liver, gallbladder, and bile ducts) and pancreatic
- leukemia (**excluding** chronic B-cell leukemias such as CLL and hairy cell)
- nasal cavity (including ears and sinuses)
- oral cavity (including lips and tongue)
- pharynx (including tonsils)
- pleura, mediastinum, and other unspecified sites within the respiratory system and intrathoracic organs
- renal (kidney and renal pelvis)
- skin (including melanoma, basal cell carcinoma, and squamous cell carcinoma)
- reproductive (including the cervix, uterus, ovary, testes, and penis, but **excluding** prostate)
- urinary bladder , and
- any cancers for which the Secretary has not already established a presumption.

Other

- bone conditions
- circulatory disorders (**but excluding** IHD)
- cognitive and neuropsychiatric effects
- endometriosis
- eye problems
- gastrointestinal, metabolic, and digestive disorders (including changes in liver enzymes, lipid abnormalities, and ulcers)
- hearing loss
- immune system disorders (immune suppression, allergy, and autoimmunity)
- neurobehavioral (cognitive and neuropsychiatric) disorders
- neurodegenerative diseases (including amyotrophic lateral sclerosis (ALS), but **excluding** Parkinson's disease)
- conditions affecting offspring of exposed persons (including neonatal death, infant death, stillborn, low birth weight, birth defects **other than** spina bifida, and childhood cancer such as acute myeloid leukemia)
- chronic peripheral nervous system disorders such as late-onset PN (**but excluding** early-onset PN)
- reproductive effects, such as abnormal sperm parameters and infertility
- respiratory disorders (**but excluding** covered respiratory cancers) such as asthma and chronic obstructive pulmonary disease (COPD), and
- effects on thyroid homeostasis



Former Prisoners of War

(2) Imprisoned for at least 30 days, *and* disability at least 10 percent disabling:

- Avitaminosis
- Pellagra
- Beriberi
- Malnutrition including optic atrophy
- Any other nutritional deficiency
- Chronic dysentery
- Helminthiasis
- Irritable bowel syndrome
- Cirrhosis of the liver
- Peptic ulcer disease
- Peripheral neuropathy

Gulf War (GW) Undiagnosed illness

Background

US Military presence began in SW Asia in 1990

After initial operations, laws were enacted addressing a range of chronic disabilities reported by those who served in SW Asia (approx 25%) that do not correspond to recognized categories of diseases.

Data collected indicates that environmental hazards in SW Asia have been and continue to contribute to these disabilities.

GW Illness cont.

Defined as “Undiagnosed Illnesses”

Example of symptoms:

chronic headaches, cognitive difficulties, widespread bodily pain, unexplained fatigue, chronic diarrhea, skin rashes, respiratory problems, other abnormalities.

Also includes certain *diagnosed* illnesses with inconclusive etiologies such as, but not limited to:

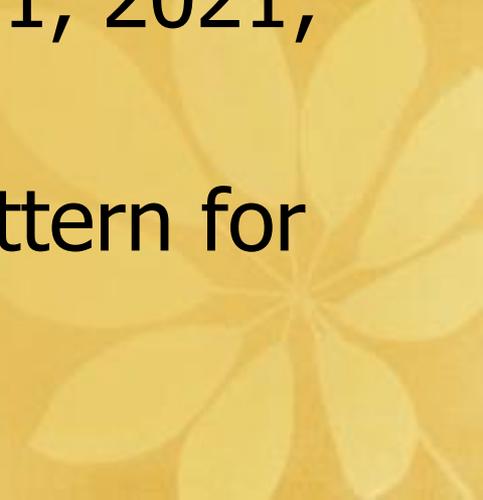
Fibromyalgia

Chronic Fatigue Syndrome (CFS)

Irritable Bowel Syndrome (IBS)



Eligibility Requirements

- Must have served in SW Asia anytime from 1991 to current
 - Qualifying chronic disability/illness must have become started during active service in SW Asia theater or to at least a 10% degree no later than December 31, 2021; (will likely be extended)
 - Must show a chronic disability pattern for 6 months or more.
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Camp LeJeune

- a diagnosis of a condition listed in [38 CFR 3.309\(f\)](#), if manifest to a degree of 10 percent or more at any time after service, and
 - service of at least 30 days (consecutive or nonconsecutive) at Camp Lejeune during the period beginning on August 1, 1953, and ending on December 31, 1987.
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Additional Locations

- MCAS New River
 - Camp Geiger
 - Camp Johnson
 - Naval Hospital Camp Lejeune
 - Tarawa Terrace
 - Camp Knox
 - Montford Point
 - Stone Bay/Rifle Range
 - Holcomb Boulevard, and
 - Hadnot Point.
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Disabilities

- kidney cancer
 - •liver cancer
 - •NHL
 - •adult leukemia
 - •multiple myeloma
 - •Parkinson's disease
 - •aplastic anemia and other myelodysplastic syndromes, and
 - •bladder cancer.
- 



Within One Year of Service

Diagnosis

- kidney cancer
- liver cancer
- NHL
- adult leukemia
- multiple myeloma
- Parkinson's disease
- aplastic anemia and other myelodysplastic syndromes, and
- bladder cancer.
- Cirrhosis of the liver.
- Coccidioidomycosis.
- Diabetes mellitus.
- Encephalitis lethargica residuals.
- Endocarditis. (This term covers all forms of valvular heart disease.)
- Endocrinopathies.
- Epilepsies.
- Hansen's disease.
- Hodgkin's disease.

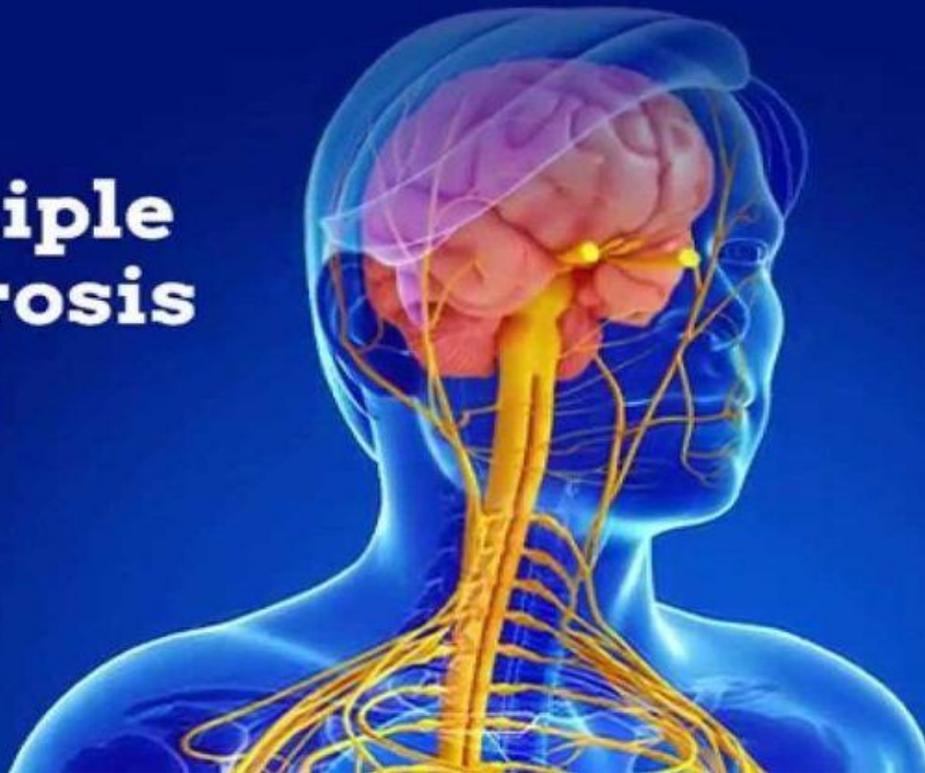
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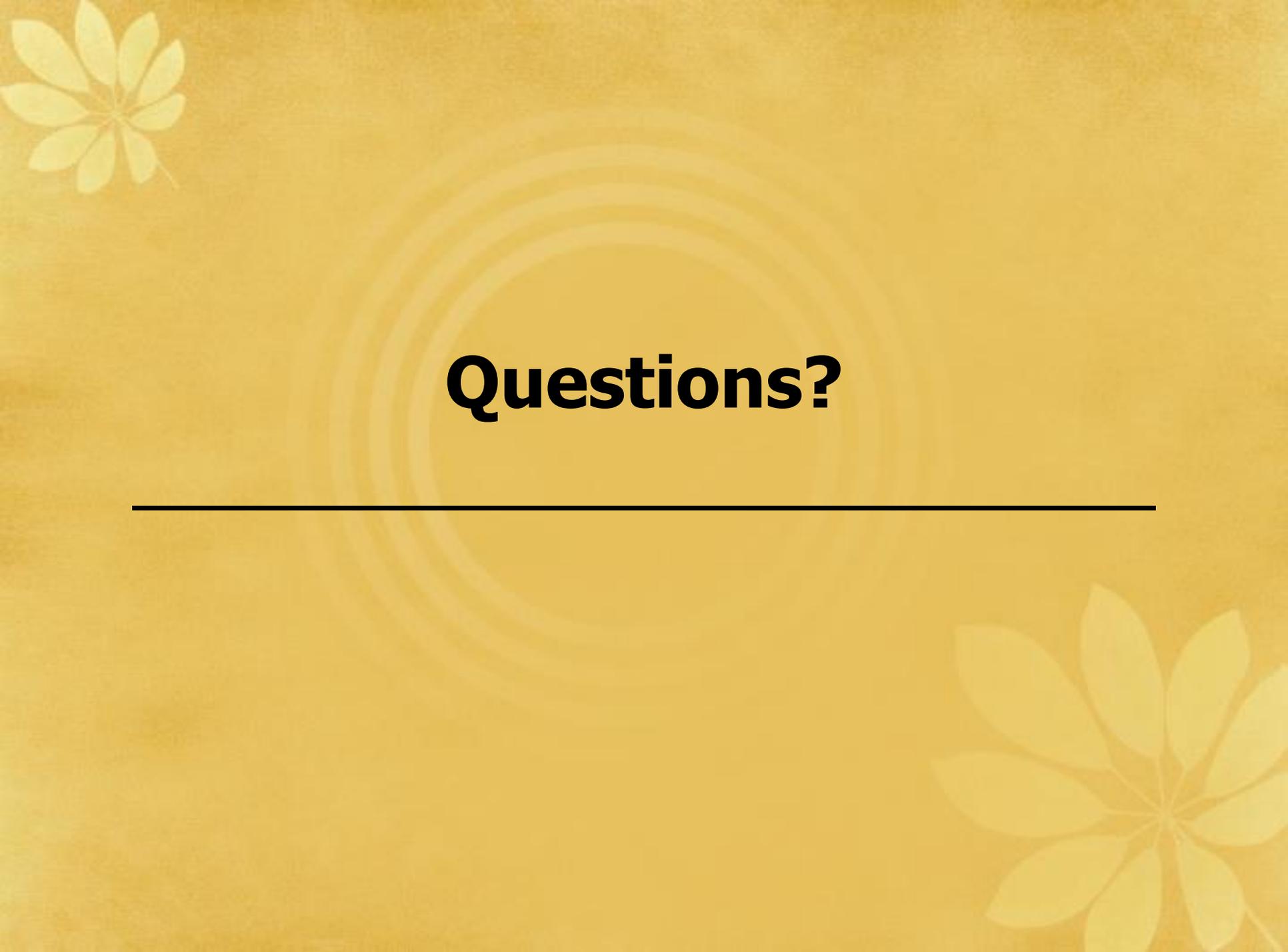
- Leukemia.
 - Lupus erythematosus, systemic.
 - Myasthenia gravis.
 - Myelitis.
 - Myocarditis.
 - Nephritis.
 - Other organic diseases of the nervous system.
 - Osteitis deformans (Paget's disease).
 - Osteomalacia.
 - Palsy, bulbar.
 - Paralysis agitans.
 - Psychoses.
 - Purpura idiopathic, hemorrhagic.
 - Raynaud's disease.
 - Sarcoidosis.
 - Scleroderma.
 - Sclerosis, amyotrophic lateral.
 - Sclerosis, multiple.
 - Syringomyelia.
 - Thromboangiitis obliterans (Buerger's disease).
 - Tuberculosis, active.
 - Tumors, malignant, or of the brain or spinal cord or peripheral nerves.
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Multiple Sclerosis

Presumptive SC may be established for MS if the disease becomes manifest within seven years from the date of separation.

**Multiple
Sclerosis
(MS)**





Questions?
