

# HOW VA DISABILITY RATINGS WORK

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## CONDITIONS THAT APPEAR WITHIN ONE YEAR POST DISCHARGE

(Title 38, Code of Federal Regulation, 3.09(a)):

**If your symptoms appear within one year after discharge - even if they weren't there while you were serving—and the condition is at least 10% disabling the VBA will conclude that they're related to your service**

- Anemia, primary.
- Arteriosclerosis.
- Arthritis.
- Atrophy, Progressive muscular.
- Brain hemorrhage.
- Brain thrombosis.
- Bronchiectasis.
- Calculi of the kidney, bladder, or gallbladder (stones).
- Cardiovascular-renal disease, including hypertension. (This term applies to combination involvement of the type of arteriosclerosis, nephritis, and organic heart disease, and since hypertension is an early symptom long preceding the development of those diseases in their more obvious forms, a disabling hypertension within the 1-year period will be given the same benefit of service connection as any of the chronic diseases listed.)
- 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.

- Leukemia.
- Lupus erythematosus, systemic.
- Myasthenia gravis.
- Myelitis.
- Myocarditis.
- Nephritis.
- Other organic diseases of the nervous system (carpal tunnel syndrome, migraine headaches, sensorineural hearing loss, tinnitus, glaucoma, progressive spinal muscular atrophy, diseases of the cranial nervous system, cranial nerve conditions, and peripheral nerve conditions, such as peripheral neuropathy)
- Osteitis deformans (Paget's disease).
- Osteomalacia.
- Palsy, bulbar.
- Paralysis agitans.
- Psychoses. (brief psychotic disorder, delusional disorder, psychotic disorder due to another medical condition, other specified schizophrenia spectrum and other psychotic disorder, schizoaffective disorder, schizophrenia, schizophreniform disorder, and substance/medication-induced psychotic disorder.)

- 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.
- Ulcers, peptic (gastric or duodenal) (A proper diagnosis of gastric or duodenal ulcer (peptic ulcer) is to be considered established if it represents a medically sound interpretation of sufficient clinical findings warranting such diagnosis and provides an adequate basis for a differential diagnosis from other conditions with like symptomatology; in short, where the preponderance of evidence indicates gastric or duodenal ulcer (peptic ulcer). Whenever possible, of course, laboratory findings should be used in corroboration of the clinical data.

**The following diseases are presumed service connected, even if they appear more than one year after you separated from service:**

- Hansen's disease (a long-lasting infection that affects your skin, nerves, and mucous membranes) can appear within 3 years after discharge.
- Tuberculosis (an infection that attacks your lungs and sometimes other areas of your body) can appear within 3 years after discharge.
- Multiple sclerosis (a long-lasting illness that can cause numbness, weakness, and many other symptoms) can appear within 7 years after discharge.
- Amyotrophic lateral sclerosis (ALS), also known as Lou Gehrig's disease (a long-lasting illness that affects muscle control), can appear any time after discharge with 90 consecutive days of active duty service.

## WHAT DO I DO IF I DISAGREE WITH MY RATING?

Speak to your VSO (Veteran Service Officer), attorney or claims agent first. They will have the most information to determine if a rating may be incorrect. You have a limited amount of time to appeal your decision and preserve the effective date of your claim.

FOR EDUCATIONAL PURPOSES AND DOES NOT REPLACE 38 CFR SCHEDULE OF RATINGS

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## SECONDARY CONDITIONS RELATED TO ALS

(AMYOTROPHIC LATERAL SCLEROSIS - 38 CFR § 4.124a):

Amyotrophic Lateral Sclerosis - (DC 8017) Minimum evaluation 100%		
MANIFESTATION	SUGGESTED DIAGNOSTIC CODE	COMMENTS
Speech difficulties, including hoarseness	<ul style="list-style-type: none"> <li>• 6519 (Constant inability to communicate by speech or constant inability to speak above a whisper)</li> <li>• 6516 ( chronic Laryngitis) –OR-</li> <li>• 8210 (Two evaluations for left and right tenth cranial nerve)</li> </ul>	Select evaluation criteria that provides the most advantageous evaluation.
Paralysis of soft pallet with swallowing difficulty and speech impairment	• 6521 (Pharynx)	
Swallowing difficulties	• 7203 (stricture of the Esophagus)	
Respiratory conditions (including requirement for tracheostomy)	• 6520 (stenosis of Larynx including residuals of laryngeal trauma - unilateral or bilateral)	If present, PFT results should be of record.
Sleep apnea or sleep apnea-like condition	• 6847 (Sleep Apnea if manifested as a respiratory disability)	
Loss of sphincter control with or without leakage	• 7332 (Rectum and anus, impairment of sphincter control)	
Chronic constipation	• 7319 (Irritable colon syndrome, IBS, spastic colitis, mucous colitis, etc.)	
Voiding dysfunction	•7542 (for leakage, frequency, or obstructed voiding)	Only a single evaluation is warranted even if more than one dysfunction / symptom type is present. May be presented as symptoms only, versus an official diagnosis.
Recurrent urinary tract infections	• 7527 (voiding dysfunction or urinary tract infection)	
Erectile dysfunction/Female Sexual Arousal Disorder	<ul style="list-style-type: none"> <li>• 7522 erectile Dysfunction (Male)</li> <li>• 7632 Female sexual arousal disorder (FSAD)</li> </ul>	When associated to ALS diagnosis, grant SMC-K
Upper extremity(ies)	<ul style="list-style-type: none"> <li>• 8514 (radial nerve for impairment without loss of use (LOU))</li> <li>• 5125 for LOU of one hand)</li> <li>• 5109 for LOU of both hands</li> </ul>	Synthesize findings of neurologic exam (gait strength, deep tendon reflexes, sensation, muscle atrophy / weakness) and remaining effective function to assess level of impairment for the upper/lower extremity, to include whether loss of use is present.
Lower extremity(ies)	<ul style="list-style-type: none"> <li>• 8520 (Sciatic nerve for impairment without LOU)</li> <li>• 5167 (for LOU of one foot)</li> <li>• 5110 (for LOU of both feet)</li> </ul>	
Depression	• 9434	Rated as mental health: See NOTE
Cognitive Impairment or Dementia	• 9326	Rated as mental health: See NOTE
<b>NOTE:</b> If other mental disorder diagnoses are also present, evaluate along with the other mental disorder diagnoses.		
<b>NOTE:</b> Consider the need for special monthly compensation.		

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REV: January 2023

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## GULF WAR ERA PRESUMPTIVES

(Title 38, Code of Federal Regulation, 3.317):

**If you served in or the airspace above the following locations VA considers this service eligible unless specified that it's not included.**

**From August 2, 1990 to present:**

- Iraq
- Kuwait
- Saudi Arabia
- the neutral zone between Iraq and Saudi Arabia
- Bahrain
- Qatar
- the United Arab Emirates (U.A.E.)
- Oman
- Gulfs of Aden and Oman, Persian Gulf, Arabian Sea, Red Sea
- Airspace above these locations

**On or after September 11, 2001, in any of these locations:**

- Afghanistan (airspace not included and only service after September 19, 2001)
- Egypt
- Israel (airspace not included)
- Jordan (airspace not included)
- Lebanon
- Syria
- Uzbekistan Including Karshi-Khanabad (K2) base
- Yemen
- Djibouti

**Medically unexplained chronic multi-symptom illnesses (MUCMI) that exist for six months or more, such as DIAGNOSED:**

- Chronic Fatigue Syndrome (not just fatigue)
- Fibromyalgia
- Irritable bowel syndrome

- Adenocarcinoma (ADC) or salivary gland-type tumors of the trachea
- Adenosquamous (ASC) or large cell carcinoma of the lung
- Asthma that was diagnosed after service
- Brain cancer
- Chronic bronchitis
- Chronic obstructive pulmonary disease (COPD)
- Chronic rhinitis
- Chronic sinusitis
- Constrictive bronchiolitis or obliterative bronchiolitis
- Emphysema
- Gastrointestinal cancer of any type
- Glioblastoma
- Granulomatous disease
- Head cancer of any type
- Interstitial lung disease (ILD)
- Kidney cancer
- Leukemias (Acute and chronic)
- Lymphoma cancer of any type
- Melanoma

- Multiple myelomas
- Myelodysplastic syndromes
- Myelofibrosis
- Neck cancer of any type
- Pancreatic cancer
- Pleuritis
- Pulmonary fibrosis
- Reproductive cancer of any type including (Female) cervical, ovarian, uterine, vaginal, vulvar, breast cancers (Male or Female) and (Male) testicular, penile, prostate, urethral cancers and cancer of the paraurethral glands.
- Respiratory (breathing-related) cancer of any type
- Salivary gland-type tumors of the lung
- Sarcoidosis
- Sarcomatoid carcinoma of the lung
- Squamous cell carcinoma (SCC) of the larynx or trachea
- Typical and atypical carcinoid of the lung.
- Ureter and related genitourinary cancers
- Urinary bladder cancer

**Manifest one of the following infectious diseases within 1 year of separation:**

- Brucellosis
- Campylobacter jejuni
- Coxiella burnetii (Q fever)
- Nontyphoid Salmonella
- Shigella

- West Nile virus
- Malaria (or when accepted treatises indicate the incubation period began during a qualifying period of service)

**Manifests at any time after separation:**

- Mycobacterium tuberculosis
- Visceral leishmaniasis

**Any of the below DIAGNOSED WITH UNKNOWN ETIOLOGY or UNDIAGNOSED warrants a presumption of service connection including:**

- Fatigue
- Skin symptoms
- Headaches
- Muscle pain
- Joint pain
- Neurological or neuropsychological symptoms

- Symptoms involving the upper or lower respiratory system
- Sleep disturbance
- Gastrointestinal symptoms
- Cardiovascular symptoms
- Weight loss
- Menstrual disorders

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## VIETNAM WAR ERA PRESUMPTIVES

(Title 38, Code of Federal Regulation, 3.09(e)):

### Vietnam Era Veterans:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Served in the Republic of Vietnam or on a vessel operating not more than 12 nautical miles seaward from the demarcation line of the waters of Vietnam and Cambodia between Jan. 9, 1962 and May 7, 1975</li> <li>• Service aboard a U.S. military vessel that entered the inland waterways of Vietnam</li> <li>• Korea – served in a unit along the DMZ from September 1, 1967 to Aug. 31, 1971</li> <li>• Any U.S. or Royal Thai military base in Thailand from January 9, 1962, through June 30, 1976</li> <li>• Cambodia at Mimot or Krek, Kampong Cham Province from April 16, 1969, through April 30, 1969</li> <li>• Laos from December 1, 1965, through September 30, 1969</li> </ul> | <ul style="list-style-type: none"> <li>• Guam or American Samoa or in the territorial waters off of Guam or American Samoa from January 9, 1962, through July 30, 1980</li> <li>• Johnston Atoll or on a ship that called at Johnston Atoll from January 1, 1972, through September 30, 1977</li> <li>• Directly Exposed to Agent Orange/Tactical herbicides specifically: 2,4-D; 2,4,5-T and its contaminant TCDD; cacodylic acid; and picloram.</li> <li>• Air Force – C-123 Aircraft – personnel involved in regular &amp; repeated contact with operating, maintaining, or serving onboard contaminated C-123 aircraft that had been used in Vietnam as part of Operation Ranch Hand.</li> </ul> |
|---|--|

### Manifest to any degree

- Bladder cancer
- High blood pressure (also called hypertension)
- Hypothyroidism
- Monoclonal gammopathy of undetermined significance (MGUS)
- Parkinsonism
- Type 2 diabetes

### Specific presumed conditions, if they become 10% or greater:

- Adult fibrosarcoma
- Alveolar soft part sarcoma
- AL amyloidosis
- Angiosarcoma (hemangiosarcoma and lymphangiosarcoma)
- B-cell leukemia
- Chronic lymphocytic leukemia
- Clear cell sarcoma of tendons and aponeuroses
- Congenital and infantile fibrosarcoma
- Dermatofibrosarcoma protuberans
- Ectomesenchymoma

- Epithelioid leiomyosarcoma (malignant leiomyoblastoma)
- Epithelioid sarcoma
- Extraskeletal Ewing's sarcoma
- Hodgkin's disease
- Ischemic heart disease (including but not limited to, coronary artery disease and atherosclerotic cardiovascular disease)
- Multiple myeloma
- Non-Hodgkin's lymphoma
- Parkinson's disease
- Prostate cancer
- Liposarcoma
- Leiomyosarcoma
- Malignant fibrous histiocytoma
- Malignant giant cell tumor of tendon sheath
- Malignant glomus tumor
- Malignant hemangiopericytoma
- Malignant mesenchymoma
- Malignant granular cell tumor
- Malignant ganglioneuroma

- Malignant schwannoma, including malignant schwannoma with rhabdomyoblastic differentiation (malignant Triton tumor), glandular and epithelioid malignant schwannomas
  - Proliferating (systemic) angioendotheliomatosis
  - Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea)
  - Rhabdomyosarcoma
  - Synovial sarcoma (malignant synovioma)
  - Soft-tissue sarcoma (not including osteosarcoma, chondrosarcoma, Kaposi's sarcoma or mesothelioma)
- The following conditions, if they become 10% percent or greater within a year of exposure to an herbicide agent:**
- Acute and subacute peripheral neuropathy
  - Chloracne or other similar Acneform disease
  - Porphyria cutanea tarda

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## CAMP LEJEUNE PRESUMPTIVES

(Title 38, Code of Federal Regulation, 3.09(f)):

**Veterans who served at Camp Lejeune or MCAS New River, were not dishonorably discharged and have at least one of the below conditions may qualify for disability benefits for Camp Lejeune water contamination.**

The veteran must have served for at least 30 cumulative days from August 1, 1953 through December 31, 1987.

Two on-base water supply systems were contaminated with the volatile organic compounds trichloroethylene (TCE), a metal degreaser; perchloroethylene (PCE), a dry cleaning agent; benzene; and vinyl chloride.

- Adult leukemia
- Aplastic anemia and other myelodysplastic syndromes
- Bladder cancer
- Kidney cancer
- Liver cancer
- Multiple myeloma
- Non-Hodgkin's lymphoma
- Parkinson's disease

**Veterans eligible for presumptive service connection include former Reservists and National Guard members who were discharged on conditions other than dishonorable.**

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## FORMER PRISONER OF WAR (FPOW) PRESUMPTIVES

(Title 38, Code of Federal Regulation, 3.09(c)):

**Prisoners of War (POWs) are veterans who were forcibly captured or interned by an enemy government, its agents, or a hostile force while in the line of duty during active military service.**

**Must have a listed condition that is at least 10% disabling**

**The below conditions are presumed imprisoned for any length of time:**

- Psychosis
- Any of the anxiety states
- Dysthymic disorder (or depressive neurosis)
- Organic residuals of frostbite
- Post- traumatic osteoarthritis
- Heart disease or hypertensive vascular disease
- Stroke and the residual effects
- Osteoporosis, when the Veteran has posttraumatic stress disorder - Updated September 2021

**The below conditions are presumed if imprisoned for at least 30 days:**

- Beriberi (including beriberi heart disease)
- Chronic dysentery
- Helminthiasis
- Malnutrition (including optic atrophy)
- Pellagra
- Other nutritional deficiencies
- Irritable bowel syndrome
- Peptic ulcer disease
- Peripheral neuropathy
- Cirrhosis of the liver
- Avitaminosis
- Osteoporosis

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## RADIATION EXPOSED PRESUMPTIVES

(Title 38, Code of Federal Regulation, 3.09(d)):

**Various military occupations include routine and usually safe exposure to radiation. Servicemembers in these occupations receive special training and are monitored to ensure radiation exposure remains at safe levels.**

**You must have had contact with ionizing radiation in one of these ways while serving in the military:**

- You were part of atmospheric nuclear weapons testing, or
  - You served in the postwar occupation of Hiroshima or Nagasaki (September 1945 until July 1946), or
  - You were a prisoner of war (POW) in Japan, or
- Occupational Exposure to Ionizing Radiation**

- Served on nuclear submarines and other nuclear ships or in shipyards, were involved in nuclear weapons handling and maintenance, including clean-ups after accidents, or
- Served as X-ray or dental technicians (while on active duty or during active or inactive duty for training in the Reserves), or
- You did tasks like those of a Department of Energy (DOE) employee that make them a member of the Special Exposure Cohort (See 42 U.S.C. 7384L(14))

**You may also qualify for disability benefits if you served in at least one of these locations and capacities:**

- You were part of underground nuclear weapons testing at Amchitka Island, Alaska, or
- You were assigned to a gaseous diffusion plant at Paducah, Kentucky, or
- You were assigned to a gaseous diffusion plant at Portsmouth, Ohio, or
- You were assigned to a gaseous diffusion plant at Area K-25 at Oak Ridge, Tennessee, or
- Participated in nuclear response new Palomares, Spain (during the period beginning January 17, 1966, and ending March 31, 1967) or Thule, Greenland (during the period beginning January 21, 1968, and ending September 25, 1968)
- Cleanup of Enewetak Atoll during the period beginning on January 1, 1977, and ending on December 31, 1980.

**Specific presumed conditions, if they become 10% or greater:**

- Leukemia (other than chronic lymphocytic leukemia).
- Cancer of the thyroid.
- Cancer of the breast.
- Cancer of the pharynx.
- Cancer of the esophagus.
- Cancer of the stomach.
- Cancer of the small intestine.
- Cancer of the pancreas.
- Multiple myeloma.
- Lymphomas (except Hodgkin's disease).
- Cancer of the bile ducts.

- Cancer of the gall bladder.
- Primary liver cancer (except if cirrhosis or hepatitis B is indicated).
- Cancer of the salivary gland.
- Cancer of the urinary tract (including kidneys, renal pelves, ureters, urinary bladder, and urethra).
- Bronchiolo-alveolar carcinoma.
- Cancer of the bone.
- Cancer of the brain.
- Cancer of the colon.
- Cancer of the lung.
- Cancer of the ovary.

**VA recognizes that the following diseases are possibly caused by exposure to ionizing radiation during service. These claims will depend on how much radiation the Veteran received and other factors, such as the period of time between exposure to radiation and the development of the disease. VA decides these claims on a case-by-case basis:**

- All cancers
- Non-malignant thyroid nodular disease
- Parathyroid adenoma

- Posterior subcapsular cataracts
- Tumors of the brain and central nervous system

For Occupational Exposure to Ionizing Radiation, most often the VA will need to see that your exposure records show 5 rem in one year or a lifetime dose of 10 rem above that received from natural sources.

If you do not have your exposure records, the VA will try to find them. If they are unable to be located, the VA will estimate a dosage based on your time in service, where you were stationed and any statements you have that may describe an incident of possible higher dosage.

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