

Glossary and Favorable Findings Examples for CLCW

CLCW presumptive grant add-in

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by exposure to contaminants in the water supply at Camp Lejeune. Although not shown in service, service connection for [insert condition] has been granted on the basis of presumption due to exposure to contaminants in the water supply at Camp Lejeune. (38 CFR 3.307, 38 CFR 3.309)

CLCW denial

VA has acknowledged a relationship between exposure to contaminants in the water supply at Camp Lejeune during the period beginning on August 1, 1953, and ending on December 31, 1987, and the subsequent development of the following conditions: kidney cancer, liver cancer, non-Hodgkin's lymphoma, adult leukemia, multiple myeloma, Parkinson's disease, aplastic anemia and other myelodysplastic syndromes, and bladder cancer. Service at Camp Lejeune for Veterans, Reservists, and former National Guard members must have been for at least 30 days (cumulative) during the specified time frame. A presumption of service connection based on exposure to contaminants in the water supply at Camp Lejeune is not warranted for any other condition. (38 CFR 3.307, 38 CFR 3.309)

Denial – not presumptive

A review of all of the objective medical evidence does not indicate that there is a reasonable possibility that your [insert condition] may be associated with your exposure to contaminants in the water supply at Camp Lejeune. (38 CFR 3.309)

Denial – no diagnosis

Service connection based on exposure to contaminants in the water supply at Camp Lejeune is denied because the evidence does not show a diagnosis of a condition for which VA has acknowledged a relationship with exposure to contaminants in the water supply at Camp Lejeune. (38 CFR 3.309)

Denial – negative SME

You claimed [insert condition]. As this condition is not one of the presumptive conditions VA has acknowledged as related to exposure to contaminants in the water supply at Camp Lejeune, we requested a VA medical opinion. The examiner stated that the evidence of record and available medical and scientific research does not demonstrate a link between your claimed [insert condition] and exposure to contaminants in the water supply at Camp Lejeune. (38 CFR 3.303, 38 CFR 3.309)

Note: If the negative SME opinion is determined to rebut the presumption of SC as discussed in M21-1, Part IV, Subpart ii, 2.C.6.e, users must free text an explanation of how the evidence supports the decision.

Denial – no CLNC service

The available service records do not show that you served within the borders of the entirety of United States Marine Corps Camp Lejeune during the affected period of contamination; therefore, we must deny your claim. If you are able to produce or provide information of supportive records showing official military orders or other official assignment within the borders of the entirety of United States Marine Corps Camp Lejeune, please submit that evidence within one year of notification of this decision. (38 CFR 3.307)

Denial – less than 30 days CLNC

The available service records do not show that you served within the borders of the entirety of United States Marine Corps Camp Lejeune for at least 30 days during the affected period of contamination; therefore, we must deny your claim. (38 CFR 3.307)

SAMPLE GLOSSARIES PERSONALLY CREATED

CLCW presumptive grant, negative SME

Although the examiner opined your [insert condition] was not due to Camp Lejeune contaminated water, the condition was determined to be a presumptive condition. The examiner only opined that the evidence suggests another causation which did not provide affirmative evidence contrary to the presumption. (38 CFR 3.307 and 38 CFR 3.309)

Denial – Effective date prior to law change

Because we received an unfavorable medical opinion, we are unable to provide you with an effective date prior to March 14, 2017, the date the law changed adding this condition to the federal register as a presumptive condition associated with exposure to contaminated water at Camp Lejeune. (38 CFR 3.114, 38 CFR 3.307, 38 CFR 3.309)

Denial – Neurobehavioral Effects

Although you have a current diagnosis of [insert condition] claimed as neurobehavioral effects, you have not provided medical evidence of a nexus linking your neurobehavioral effects diagnosed as (ex: Alzheimer's dementia) to exposure to

contaminated water at Camp Lejeune. Neurobehavioral effects related to contaminated water at Camp Lejeune are due to acute toxic exposures and occur at high levels of inhalational exposure. There are no known delayed onsets of neurobehavioral symptoms due to contaminated water at Camp Lejeune.

Common presenting neurobehavioral symptoms include acute loss of consciousness, REDUCTION IN COGNITIVE THINKING (i.e. slowed thinking), MEMORY LOSS, irritability, dizziness, headaches and loss of fine motor function. These are considered acute effects and occur at high levels of inhalational exposure. Individuals who display neurobehavioral effects of exposure to solvents do not exhibit chronic effects unless they have had acute effects of exposure. Stated another way, there are no known delayed onset of neurobehavioral symptoms. (38 CFR 3.303, 38 CFR 3.309)

Denial – Non-Presumptive Development Letter Sent

Our letter dated [insert date] requested you send us scientific or medical evidence showing your xxxxxx is medically associated with exposure to contaminants in the water supply at Camp Lejeune. As of the date of this rating decision, we have not received this evidence.

Denial – Non-Presumptive Development Letter Not Sent

Although we have obtained a medical opinion, we may consider that [insert condition] is associated with contaminants in the water supply at Camp Lejeune if you send us scientific or medical evidence showing that the claimed condition is medically associated with exposure to the contaminants. If a doctor has expressed an opinion regarding the relationship of the claimed condition to exposure to contaminants in the water supply at Camp Lejeune, send us that opinion, the reasons and bases for that opinion, and the clinical treatment records. In addition, the doctor should provide literature that supports the opinion. Literature may consist of scientific or medical journal articles, etc., that support the doctor's opinion that your exposure is related to the currently diagnosed condition.

FAVORABLE FINDINGS EXAMPLES FOR CLCW

You were exposed to contaminated water during military service based on personnel records which confirm service at Camp Lejeune from August 1966 to April 1968.

The claimed disability is a chronic disease which may be presumptively linked to your military service. Medical records from the Louisville VAMC reflect a diagnosis of liver cancer confirmed via biopsy June 2016.

Your claimed issue became manifest to a degree of 10 percent or more following service. Medical records from the Louisville VAMC reflect a diagnosis of active liver cancer confirmed via biopsy June 2016.

LAWS FOR CLCW

§3.307 Presumptive service connection for chronic, tropical, or prisoner-of-war related disease, disease associated with exposure to certain herbicide agents, or disease associated with exposure to contaminants in the water supply at Camp Lejeune; wartime and service on or after January 1, 1947.

a. General. A chronic, tropical, or prisoner of war related disease, a disease associated with exposure to certain herbicide agents, or a disease associated with exposure to contaminants in the water supply at Camp Lejeune listed in §3.309 will be considered to have been incurred in or aggravated by service under the circumstances outlined in this section even though there is no evidence of such disease during the period of service. No condition other than one listed in §3.309(a) will be considered chronic.

(7) Diseases associated with exposure to contaminants in the water supply at Camp Lejeune. (i) For the purposes of this section, contaminants in the water supply means the volatile organic compounds trichloroethylene (TCE), perchloroethylene (PCE), benzene and vinyl chloride, that were in the on-base water-supply systems located at United States Marine Corps Base Camp Lejeune, during the period beginning on August 1, 1953, and ending on December 31, 1987.

§3.309 Disease subject to presumptive service connection.

(f) Disease associated with exposure to contaminants in the water supply at Camp Lejeune. If a veteran, or former reservist or member of the National Guard, was exposed to contaminants in the water supply at Camp Lejeune during military service and the exposure meets the requirements of §3.307(a)(7), the following diseases shall be service-connected even though there is no record of such disease during service, subject to the rebuttable presumption provisions of §3.307(d).

- (1) Kidney cancer.
- (2) Liver cancer.
- (3) Non-Hodgkin's lymphoma.
- (4) Adult leukemia.

- (5) Multiple myeloma.
 - (6) Parkinson's disease.
 - (7) Aplastic anemia and other myelodysplastic syndromes.
 - (8) Bladder cancer.
- (Authority: 38 U.S.C. 501(a) and 1112(b))