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VA Publishes Final Regulation on “Presumptive” Illnesses

September 29, 2010

VA Publishes Final Regulation on “Presumptive” Illnesses for Gulf War and Iraq, Afghanistan Veterans
WASHINGTON – Secretary of Veterans Affairs Eric K. Shinseki has announced the publication of a final regulation in the Federal Register that makes it easier for Veterans to obtain Department of Veterans Affairs (VA) health care and disability compensation for certain diseases associated with service in Southwest Asia (including Iraq) or Afghanistan. “This is part of historic changes in how VA considers Gulf War Veterans’ illnesses,” said Secretary Shinseki. “By setting up scientifically based presumptions of service connection, we give these deserving Veterans a simple way to obtain the medical and compensation benefits they earned in service to our country.” The final regulation establishes new presumptions of service connection for nine specific infectious diseases associated with military service in Southwest Asia beginning on or after the start of the first Gulf War on Aug. 2, 1990, through the conflict in Iraq and on or after Sept. 19, 2001, in Afghanistan. The final regulation reflects a determination of a positive association between service in Southwest Asia or Afghanistan and nine diseases and includes information about the long-term health effects potentially associated with these diseases: Brucellosis, Campylobacter jejuni, Coxiella Burnetii (Q fever), Malaria, Mycobacterium tuberculosis, Nontyphoid Salmonella, Shigella, Visceral leishmaniasis and West Nile virus. With the final rule, a Veteran will only have to show service in Southwest Asia or Afghanistan and that he or she had one of the nine diseases within a certain time after service and has a current disability as a result of that disease, subject to certain time limits for seven of the diseases. Most of these diseases would be diagnosed within one year of return from service, through some conditions may manifest at a later time. For non-presumptive conditions, a Veteran is required to provide medical evidence to establish an actual connection between military service in Southwest Asia or Afghanistan and a specific disease. The decision to add these presumptives was made after reviewing the 2006 report of the National Academy of Sciences Institute of Medicine (NASIOM), titled, “Gulf War and Health Volume 5: Infectious Diseases.”

The 2006 report differed from the four prior reports by looking at the long-term health effects of certain diseases determined to be pertinent to Gulf War Veterans. Secretary Shinseki decided to include Afghanistan Veterans in these presumptions because NAS found that the nine diseases are also prevalent in that country. The 1998 Persian Gulf War Veterans Act requires the Secretary to review NAS reports that study scientific information and possible associations between illnesses and exposure to toxic agents by Veterans who served in the Persian Gulf War. While the decision to add the nine new presumptives predates VA’s Gulf War Veterans’ Illnesses Task Force (GWVI-TF), the overarching responsibility of the GWVI-TF is to regain Gulf War Veterans’ confidence in VA’s health care, benefits, and services and reconfirm VA is 100 percent committed to Veterans of all eras. The GWVI-TF began in fall 2009 and is not a static, one-time initiative but will continue to build on its work with annual reports issued every August. The group’s focus centers on unanswered Gulf War Veterans’ health issues, improving access to benefits, ensuring cutting edge research into treatments, and to make sure Veterans’ concerns are heard and addressed. This includes continuing to solicit Veterans, experts, advocates and stakeholders to share their views to better inform the important work of the GWVI-TF. The GWVI-TF Report can be found at www.va.gov. Disability compensation is a non-taxable monetary benefit paid to Veterans who are disabled as a result of an injury or illness that was incurred or aggravated during active military service. Last year, VA received more than one million claims for disability compensation and pension.

VA provides compensation and pension benefits to over 3.8 million Veterans and beneficiaries. Currently, the basic monthly rate of compensation ranges from \$123 to \$2,673 for Veterans without any dependents. For information about health problems associated with military service in Southwest Asia and Afghanistan, and related VA programs, go to www.publichealth.va.gov/exposures/gulfwar/ and <http://www.publichealth.va.gov/exposures/oefoif/index.asp>.

For information about how to apply for disability compensation, go to www.va.gov or http://www.publichealth.va.gov/exposures/gulfwar/compensation_benefits.asp.