



DEPARTMENT OF VETERANS AFFAIRS

Regional Office
380 Westminister Street
Providence RI 02903

APR 27 2013

In Reply Refer To

Dear Mr.

We made a decision on your claim for service connected compensation received on September 27, 2011.

This letter tells you about your entitlement amount and payment start date and what we decided. It includes a copy of our rating decision that gives the evidence used and reasons for our decision. We have also included information about additional benefits, what to do if you disagree with our decision, and who to contact if you have questions or need assistance.

Your Award Amount and Payment Start Date

Your monthly entitlement amount is shown below:

Total VA Benefit	Amount Withheld	Amount Paid	Effective Date	Reason For Change
\$123.00	\$123.00	\$0.00	Sep 1, 2011	Original Award
127.00	127.00	0.00	Dec 1, 2011	Cost of Living Adjustment, Retired Pay Adjustment
129.00	129.00	0.00	Dec 1, 2012	Cost of Living Adjustment, Retired Pay Adjustment
129.00	0.00	129.00	May 1, 2013	Retired Pay Adjustment

You Can Expect Payment

Your payment begins the first day of the month following your effective date. Thereafter, payment will be made at the beginning of each month for the prior month. For example, benefits due for May are paid on or about June 1.

Your payment will be directed to the financial institution and account number that you specified. To confirm when your payment was deposited, please contact that financial institution.



**DEPARTMENT OF VETERANS AFFAIRS
Providence VA Regional Office
380 Washington St.
Providence, RI 02903**

VA File Number

**Represented By:
MASSACHUSETTS OFFICE OF COMMISSIONER OF VETERANS**

**Rating Decision
April 26, 2013**

INTRODUCTION

The records reflect that you are a veteran of the Korean Conflict Era and Vietnam Era. You served in the Marine Corps from May 17, 1954 to August 17, 1954 and the Air Force Reserves from November 12, 1968 to November 25, 1968 and from August 9, 1969 to August 22, 1969. You filed an original disability claim that was received on September 27, 2011. Based on a review of the evidence listed below, we have made the following decisions on your claim.

DECISION

1. Service connection for tinnitus is granted with an evaluation of 10 percent effective August 11, 2011.
2. Service connection for hearing loss is granted with an evaluation of 0 percent effective August 11, 2011.
3. ² Service connection for ischemic heart disease is denied.
4. ³ Service connection for diabetes mellitus type II is denied.

5. Service connection for prostate cancer (also claimed as high PSA) is denied.
6. Service connection for hereditary hemochromatosis (also claimed as high iron) is denied.

EVIDENCE

- Service Treatment Records from the Marine Corps from September 1953 to July 1954, and from the Air Force Reserves from March 1955 to July 1978
- Official Military Personnel File from September 1953 to February 1994
- Outpatient Treatment Records from the Providence VA Medical Center from December 1, 2000 to February 1, 2010
- Letter from your power of attorney, Massachusetts Veteran Services (MVS), received August 3, 2011
- Letter from your power of attorney, Massachusetts Veteran Services (MVS), received August 9, 2011
- Copy of your NGB Form 22 Report of Separation and Record of Service from the Air Force National Guard, received August 9, 2011
- VA Form 21-4138 Statement in Support of Claim, received August 9, 2011
- Letter from your power of attorney, Massachusetts Veteran Services (MVS), received August 11, 2011
- Letter from your power of attorney, Massachusetts Veteran Services (MVS), received September 27, 2011
- Original claim for disability benefits, VA Form 21-526 Veteran's Application for Compensation and/or Pension, received September 27, 2011
- VA Form 21-4138 Statement in Support of Claim, received September 27, 2011
- Subsequent VA Form 21-4138 Statement in Support of Claim, received September 27, 2011
- Letter from CMSgt Alcide F. Patenaude, USAFR (Ret.), received September 27, 2011
- VA Form 21-0820 Report of General Information, received October 11, 2011
- VA Form 21-0820 Report of General Information dated October 12, 2011
- Notification letter dated October 14, 2011
- Duty to Assist letters dated October 14, 2011 and October 14, 2011
- Letter from your power of attorney, Massachusetts Veteran Services (MVS), received October 24, 2011
- Veterans Claims Assistance Act (VCAA) Notice Response, received October 24, 2011
- Private treatment reports, Dr. Philip M. Wade of Davenport-Mugar Cancer Center, from August 2001 to April 2011, received October 25, 2011
- Private treatment reports, Boston Medical Center, from November 2006 to October 2011, received October 31, 2011

- Private treatment reports, Dr. Philip Chiotellis of The Heart Center, from April 2009 to November 2011, received January 10, 2012
- Copy of Certificate of Training from the United States Air Force, dated September 3, 1968, received June 6, 2012
- Copy of Certificate of Training from the United States Air Force, dated April 7, 1973, received June 6, 2012
- Copy of Certificate of Training from the United States Air Force, dated February 1, 1967, received June 6, 2012
- Copy of Certificate of Training Certificate from the United States Air Force Training Command, dated August 30, 1957, received June 6, 2012
- Copy of Retired Pay letter from the Department of the Air Force dated February 28, 1994, received June 6, 2012
- Copy of AF Form 47, Certificate of Eligibility and Record of Personnel Security Clearance, dated June 3, 1969, received June 6, 2012
- Copy of AF Form 47, Certificate of Eligibility and Record of Personnel Security Clearance, dated June 3, 1969, received June 6, 2012
- Copy of AF 938, Request and Authorization for Active Duty Training Active Duty Tour, dated December 19, 1968, received June 6, 2012
- Copy of Orders from the Department of the Air Force, dated November 13, 1968, received June 6, 2012
- Subsequent copy of Orders from the Department of the Air Force, dated November 13, 1968 received June 6, 2012
- Copy of CONAC Form 129a, Request and Authorization for Active Duty Training/Active Duty, dated February 24, 1967, received June 6, 2012
- Copy of CONAC Form 129a, Request and Authorization for Active Duty Training/Active Duty, dated February 24, 1967, received June 6, 2012
- Copy of Special Order from the Department of the Air Force, dated November 12, 1968, received June 6, 2012
- Copy of AF Form 938, Request and Authorization for Active Duty Training/Active Duty tour, dated June 12, 1968, received June 6, 2012
- Copy of Aeronautical Order from the Department of the Air Force, dated September 6, 1972, received June 6, 2012
- Subsequent copy of CONAC Form 129a, Request and Authorization for Active Duty Training/Active Duty, dated February 24, 1967, received June 6, 2012
- Copy of CAC Form 186, Request for Authorization for Reserve Order Promotion of Airman as Reserve of the Air Force, dated August 26, 1969, received June 6, 2012
- Copy of CONAC Form 186, Request and Authorization for Reserve Order Promotion of Airman as Reserve of the Air Force, dated February 27, 1968, received June 6, 2012
- Copy of AF Form 938, Request and Authorization for Active Duty Training/Active Duty, dated June 12, 1968, received June 6, 2012

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- Copy of Reserve Orders from the 24th Troop Carrier Wing, dated March 13, 1959, received June 6, 2012
- Copy of AF Form 973, Request and Authorization for Change of Administrative Orders, dated November 12, 1971, received June 6, 2012
- Copy of AF Form 938, Request and Authorization for Active Duty Training/Active Duty, dated April 19, 1971, received June 6, 2012
- Copy of AF Form 938, Request and Authorization for Active Duty Training/Active Duty Tour, dated December 19, 1968, received June 6, 2012
- Subsequent copy of Special Order from the Department of the Air Force, dated November 12, 1968, received June 6, 2012
- Copy of AF Form 938, Request and Authorization for Active Duty Training/Active Duty tour, dated July 23, 1971, received June 6, 2012
- Copy of Orders from Arthur R. Kirsis, Air Res Tech, Ass't Director of Administration, with Class P/Fe 228, July 1968, dated July 30, 1969, received June 6, 2012
- Copy of hotel receipt from Diamond Hotel, Cebu City, Philippines, dated August 16, 1969, received June 6, 2012
- Copy of hotel receipt from Hotel Magellan, Cebu, Philippines, dated August 14, 1969, received June 6, 2012
- Copy of Certificate of Vaccination from the United States of America Department of Defense, from October 1963 to August 1969, received June 6, 2012
- ✓ ⑧ Copy of award of the Vietnam Service Medal from the Department of the Air Force, 731st Military Airlift Squadron, (AFRES), dated May 9, 1969, received June 6, 2012
- Letter from your power of attorney, Massachusetts Veteran Services (MVS), received June 6, 2012
- Handwritten letters from you, dated June 3, 2012, received June 8, 2012
- Letter from your power of attorney, Massachusetts Veteran Services (MVS), received June 8, 2012
- VA Form 21-0820 Report of General Information, received July 2, 2012
- Notification letter dated July 2, 2012
- VA Form 21-4138 Statement in Support of Claim, received July 16, 2012
- Handwritten letter from you, dated July 13, 2012, received July 16, 2012
- Response from the Air Force Historical Research Agency (AFHRA), received August 15, 2012
- Response from the Massachusetts National Guard, including copies of personnel documents from the Air Force Reserves dated in August 1954, received August 28, 2012
- Letter from John O. Harris, Lt. Colonel, USAFR, ret., dated June 7, 2011, received August 16, 2012
- Handwritten letter from you, dated August 10, 2012, received August 16, 2012
- Letter from your power of attorney, Massachusetts Veteran Services (MVS), received August 16, 2012

① Never WAS in the 24th Troop Carrier. It was the 94th

⑧ Shows I WAS in Viet Nam.

- Handwritten letter from you, dated August 16, 2012, received August 22, 2012
- Letter from your power of attorney, Massachusetts Veteran Services (MVS), received August 22, 2012
- Copy of letter to the Honorable Eric K. Shinseki, Secretary of Veterans Affairs and Honorable James Terry, Judge, and Chairman, Board of Veterans' Appeals, from Wesley T. Carter, Major, USAF, ret., dated July 13, 2011, titled, "United States Air Force Withheld Evidence of Agent Orange Exposure," received August 22, 2012
- Response from the Joint Services Records Research Center (JSRRC), received November 6, 2012
- VA Audio examination at the Providence VA Medical Center on November 28, 2012
- Letter from your power of attorney, Massachusetts Veteran Services (MVS), received January 8, 2013
- Private treatment report, Emerald Physicians Services, Inc., dated December 13, 2012, received January 8, 2013
- Letter from your power of attorney, Massachusetts Veteran Services (MVS), received April 22, 2013
- Letter from Christopher J. Porter, Ph.D. to Domenic A. Baldini, Chief, Joint Services Records Research Center (JSRRC), dated March 6, 2013, received April 22, 2013
- VA Form 21-0820 Report of General Information, dated April 24, 2013
- Response from the Department of Veterans Affairs Central Office, (VACO), received April 24, 2013
- Formal Finding, Issue: "Did veteran service active duty per 38 CFR, Part 3.6, M21-1MR III.ii.6.2, and M21-1MR III.ii.6.3 while in the US Marine Corps Reserves, Air Force Reserves, and Air National Guard,?" prepared by the Military Records Specialist (MRS) on March 26, 2013

REASONS FOR DECISION

1. Service connection for tinnitus.

Service connection for tinnitus has been established as directly due to military service effective August 11, 2011, the date we received your informal claim for disability benefits for this condition. This follows because pursuant to 38 CFR 3.155(a), any communication or action, indicating an intent to apply for one or more benefits under the laws administered by the Department of Veterans Affairs, from a claimant, his or her duly authorized representative, a Member of Congress, or some person acting as next friend of a claimant who is not sui juris may be considered an informal claim, provided that the claimant identify the benefit being sought and submits a formal claim within one year from the date of receipt of the informal claim. As we received your VA Form 21-526 Veteran's Application for Compensation and/or Pension on

September 27, 2011, within one year from the date of your informal claim, service connection is warranted from August 11, 2011.

Service connection is warranted because during the course of your recent VA examination at the Providence VA Medical Center, the examiner opined that your tinnitus was at least as likely as not caused by or a result of military noise exposure. The examiner noted that tinnitus is commonly associated with hearing loss, particularly noise-induced hearing loss. Specifically, the VA examiner, acknowledging that that your military service consisted of an initial active period in the Marine Corps from May 1954 to August 1954, with service in the Air Force Reserves from 1959 through 1994 as a First Flight Engineer, concluded that the available audiological testing conducted throughout this entire period reveals significant auditory threshold shifts in the higher frequencies bilaterally.

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Please note that in instances where service connection may not be related to a period of active duty, or an extended period of active duty for training, entitlement to service connection may be warranted if there is a decrease in auditory acuity due to military duties as a member of the Guard or Reserve. However, at the same time, VA decision-makers are also obligated to review and consider the impact employment and recreational or personal activities coincident with such Guard or Reserve service play in terms of acoustic trauma sustained.

Consequently, based on the audiologist's review of your pertinent medical records, your positive history of military noise exposure, and your occupational noise exposure as an automotive mechanic for 30 plus years, she concluded that it is at least as likely as not that the initial onset of your current tinnitus was during your military service, with further exacerbation by occupational noise exposure and the aging process.

We have assigned a 10 percent evaluation based on recurrent tinnitus. A single evaluation for recurrent tinnitus is assigned, whether the sound is perceived in one ear, both ears, or in the head.

This is the highest schedular evaluation allowed under the law for tinnitus, recurrent.

2. Service connection for hearing loss.

Service connection for hearing loss has been established as directly due to your military service effective August 11, 2011, the date we received your informal claim for disability benefits for this condition. This follows because pursuant to 38 CFR 3.155(a), any communication or action, indicating an intent to apply for one or more benefits under the laws administered by the Department of Veterans Affairs, from a claimant, his or her duly authorized representative, a Member of Congress, or some person acting as next friend of a claimant who is not sui juris may be considered an informal claim, provided that the claimant identify the benefit being sought

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and submits a formal claim within one year from the date of receipt of the informal claim. As we received your VA Form 21-526 Veteran's Application for Compensation and/or Pension on September 27, 2011, within one year from the date of your informal claim, service connection is warranted from August 11, 2011.

Service connection is warranted because your military occupational specialty (MOS) of First Flight Engineer is consistent with acoustic trauma and your hearing loss has been linked to that acoustic trauma.

Your VA examiner opined that it is at least as likely as not that your hearing loss is due to military noise exposure. Specifically, the examiner indicated that given that your enlistment and separation audiological assessments during your original period of active duty service in the Marine Corps were conducted using whispered voice testing, which is not currently considered a reliable measure of assessing hearing acuity, service-related hearing loss cannot be ruled out. Furthermore, the VA examiner, acknowledging that that your military service consisted of an initial active period in the Marine Corps from May 1954 to August 1954, with service in the Air Force Reserves from 1959 through 1994 as a First Flight Engineer, concluded that the available audiological testing conducted throughout this entire period reveals significant auditory threshold shifts in the higher frequencies bilaterally.

Please note that in instances where service connection may not be related to a period of active duty, or an extended period of active duty for training, entitlement to service connection may be warranted if there is a decrease in auditory acuity due to military duties as a member of the Guard or Reserve. However, at the same time, VA decision-makers are also obligated to review and consider the impact employment and recreational or personal activities coincident with such Guard or Reserve service play in terms of acoustic trauma sustained.

Consequently, based on the audiologist's review of your pertinent medical records, your positive history of military noise exposure (both active duty and Reserve), and your occupational noise exposure as an automotive mechanic for 30 plus years, concluded that it is at least as likely as not that the initial onset of your current hearing loss was during your military service, with further exacerbation by occupational noise exposure and the aging process.

VA examination findings show the left ear with 98 percent discrimination. Decibel (dB) loss at the puretone threshold of 500 Hertz (Hz) is 15 with a 15 dB loss at 1000 Hz, a 30 dB loss at 2000 Hz, a 65 dB loss at 3000 Hz, and a 65 dB loss at 4000 Hz. The average decibel loss is 44 in the left ear. The right ear shows a speech discrimination of 96 percent. Decibel (dB) loss at the puretone threshold of 500 Hertz (Hz) is 10 with a 15 dB loss at 1000 Hz, a 35 dB loss at 2000 Hz, a 60 dB loss at 3000 Hz, and a 60 dB loss at 4000 Hz. The average decibel loss is 43 in the

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An evaluation of 0 percent is assigned because your right ear has a speech discrimination of 96 with an average decibel loss of 43 and your left ear has a speech discrimination of 98 with an average decibel loss of 44. The evaluation for hearing loss is based on objective testing. Higher evaluations are assigned for more severe hearing impairment.

3. Service connection for ischemic heart disease as a result of exposure to herbicides.

Service connection for ischemic heart disease is denied.

We grant service connection for a disease or disability that began in military service or was caused by some event or experience in service. To establish entitlement for service-connected compensation benefits, the evidence must show three things: (1) An injury in military service; or a disease that began in or was made worse during active military service; or an event in service causing injury or disease; (2) A current physical disability; (3) A relationship between the current disability and an injury, disease, or event in service, which is usually shown by medical records or medical opinions. Additionally, pursuant to 38 CFR 3.309(a), certain chronic diseases, including ischemic heart disease (i.e. arteriosclerosis), shall be granted service connection, although not otherwise established as incurred in or aggravated by service, if they manifest to a compensable degree with one year from separation from active duty.

Alternatively, service connection may be warranted where a veteran who was exposed to an herbicide agent during active military, naval, or air service, is diagnosed with a certain disease for which VA positively associates with exposure to herbicides even though there is no record of such disease during service. Specifically, under the authority granted by the Agent Orange Act of 1991, VA has determined that presumption of service connection based on exposure to herbicides used in Vietnam is not warranted for any conditions other than those for which VA has found a positive association between the condition and such exposure. VA has determined that a positive association exists between exposure to herbicides and the subsequent development of only the following conditions: AL amyloidosis; chloracne or other acneform disease consistent with chloracne; type 2 diabetes (also known as type II diabetes mellitus or adult-onset diabetes); Hodgkin's disease; ischemic heart disease (including, but not limited to, acute, subacute, and old myocardial infarction, atherosclerotic cardiovascular disease including coronary artery disease, including coronary spasm, and coronary bypass surgery, and stable, unstable and Prinzmetal's angina); all chronic B-cell leukemias (including but not limited to, hairy-cell leukemia and chronic lymphocytic leukemia); multiple myeloma; non-Hodgkin's lymphoma; Parkinson's disease; early-onset peripheral neuropathy; porphyria cutanea tarda (PCT); prostate cancer; respiratory cancers (cancer of the lung, bronchus, larynx, or trachea); and soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or

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for 1 month after collapsing after

mesothelioma). PCT, chloracne, and early-onset peripheral neuropathy are required to become manifest to a compensable degree within one year from last exposure.

Please note in order for VA to acknowledge that you were exposed to Agent Orange/herbicides, the evidence must show that you a) physically served within or visited the country of the Republic of Vietnam, or its inland waterways between January 9, 1962 and May 7, 1975, b) served in a unit stationed along the Korean demilitarized zone between April 1, 1968 and August 31, 1971, or 3) you were exposed to Agent Orange in some other manner. Pursuant to 38 CFR 3.307(6)(iii), a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, shall be presumed to have been exposed during such service to an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service. The last date on which such a veteran shall be presumed to have been exposed to an herbicide agent shall be the last date on which he or she served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975. Service in the Republic of Vietnam includes service in the waters offshore and service in other locations if the conditions of service involved duty or visitation in the Republic of Vietnam.

We received an informal claim for disability benefits for ischemic heart disease from you on August 11, 2011, to which we subsequently received a formal claim for benefits, VA Form 21-526, from you on September 27, 2011. You indicated that your ischemic heart disease is a result of your exposure to Agent Orange/herbicides during service. You indicated that you were exposed to herbicides while flying many missions on C-123 Globemaster aircrafts that departed from Hanscom Air Force Base and Travis Air Force Base in which you delivered supplies, including Agent Orange drums, which often leaked, to the Republic of Vietnam. You indicated that you worked and flew on C-123 aircraft that were previously used to spray Agent Orange/herbicides in the Republic of Vietnam. You indicated that you were exposed to the leftover Agent Orange residue while assigned to these aircrafts and that such exposure resulted in your current ischemic heart disease. You also indicated that you made numerous in-country flights to the Republic of Vietnam, particularly to Tan Son Nhut Air Base and Cam Ranh Bay, aboard C-123 Globemaster aircrafts during your service in the Air Force Reserves. You indicated that you were exposed to herbicides while in-country by virtue of bathing as the Agent Orange would run off into the rivers and water supplies at the bases. You also indicated that you later worked on C-123 aircraft that sprayed Agent Orange/herbicides in Vietnam during your assignment at the Westover Air Force Base, MA.

On October 14, 2011, we sent you a duty to assist letter apprising you of the evidentiary requirements to support a claim for service connection for ischemic heart disease, both on a direct basis and due to exposure to herbicides. In response to this request, you furnished private treatment reports from Dr. Chiotellis and Dr. Philip M. Wade which show diagnoses

16417. Repetitive; refer to page 4 + Footnote #8.
18419 - C-124, GlobeMASTER not C-123!

and treatment for hypertensive cardiovascular disease and atrial fibrillation, conditions which are not considered ischemic heart disease and thus conditions not positively associated with exposure to herbicides. This follows because the available scientific and medical evidence does not support the conclusion, nor does the evidence submitted in support of your claim, that the aforementioned conditions are associated with herbicide exposure.

In support of your claim for exposure to herbicides, we received numerous buddy statements attesting to the nature of your claimed exposure to herbicides. These buddy statements and letters include the letter from Alcide F. Patenaude, USAFR (Ret), the letter from John O. Harris, USAFR (Ret), the letter from Wesley T. Clark, USAFR, (Ret) titled "United States Air Force Withheld Evidence of Agent Orange Exposure," and the letter from Christopher J. Portier, Director, National Center, and Environmental Health, and Agency for Toxic Substances and Disease Registry. We also received numerous copies of personnel documents from you from your service in the Air Force reserves.

¹³ We reviewed your service treatment records and found no evidence of a diagnosis of, treatment for, or complaints of or characteristic manifestations of ischemic heart disease, or any heart condition, during service.

It should be expressly noted that the ¹⁴ Military Records Specialist performed an exhaustive review of your claim's file to determine whether or not your service in the U.S Marine Corps Reserves, the Air Force Reserves, and the Air National Guard constituted active duty for VA purposes under 38 CFR 3.6. Based on the Military Records Specialist's findings, you are considered to have active duty only from ¹⁵ May 17, 1954 to August 17, 1954 in the Marine Corps, active duty from November 12, 1968 to November 25, 1968 with the Air Force Reserves, and finally active duty from August 9, 1969 to August 22, 1969 with the Air Force Reserves. Pursuant to 38 CFR 3.6, active military, naval, and air service includes any period of active duty, active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled or died from an injury incurred or aggravated in line of duty or from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident which occurred during such training.

In order to properly decide your claim, namely the essential question of whether or not the evidence supports your exposure to herbicides during service, we requested your entire official military personnel file from the service department. However, upon careful review of these records, ¹⁶ the evidence fails to sufficiently establish any service or temporary visitation to the Republic of Vietnam or exposure to herbicides at any time, in any manner, during service. Additionally, we sought out the assistance of the Joint Services Records Research Center (JSRRC), the Air Force Historical Research Agency (AFHRA), and the Department of Veterans

Affairs (VA) Central Office in an effort to exhaust all avenues of approach to verify your claimed exposure to herbicides. After a careful and thorough review of your claim's file, and upon receipt of responses from the aforementioned 3rd parties, the evidence fails to demonstrate that you were exposed to Agent Orange/herbicides during your military service. Specifically, while the official reported history from November 1968 and March 1969 shows that your unit, the 731st Military Airlift Squadron averaged 100 sorties each month all over the globe, the exact destinations of these support missions are not detailed. Additionally, while the official reported history shows that the 94th Military Airlift wing, the next higher headquarters for the 731st Military Airlift Squadron, flew C-124 aircraft into Vietnam, there is no official record of when, where, who, or what this Wing carried on those trips. Finally, the Department of Defense does not show any use, testing, or storage of tactical herbicides, such as Agent Orange at Hanscom Air Force Base, MA or Travis Air Force Base, CA at any time. Additionally, the official record shows that Agent Orange was shipped to the Republic of Vietnam by merchant marine vessels, not by aircraft from U.S Air Force bases.

As of this date, the Department of Veterans Affairs (VA) does not currently recognize remote or secondary exposure to Agent Orange from contact with aircraft or equipment previously used in Vietnam. It should also be noted that the U.S. Air Force (USAF) recently collected and analyzed numerous samples from C-123 aircraft to test for Agent Orange. The Air Force's recent risk assessment report dated April 27, 2012 found that potential exposures to Agent Orange in C-123 planes used after the Vietnam War were unlikely to have put aircrew or passengers at risk for future health problems. The report concluded that a) there was not enough information and data to conclude how much individual persons would have been exposed to Agent Orange, b) that exposure to Agent Orange in these aircraft after the Vietnam War was lower than exposure during the spraying missions in Vietnam, and c) potential Agent Orange exposures were unlikely to have exceed standards set by regulators or to have put people at risk for future health problems.

Consequently, although some evidence supports your claim, the totality of the evidence of record fails to satisfactorily demonstrate that you served in or visited the Republic of Vietnam or were exposed to Agent Orange/herbicides in the meaning of 38 CFR 3.307(6)(iii). Further disqualifying, the evidence fails to demonstrate a diagnosis of ischemic heart disease to qualify you for the presumption of service connection based on such exposure. Further disqualifying, there is no evidence that ischemic heart disease manifested to a compensable degree within one year from your discharge to qualify you for presumptive service connection. Therefore, the evidence fails to establish an event, injury, or disease during service and evidence of a current disability attributable to such an event, injury, or disease. Therefore, in this absence, service connection must be denied at this time.

4. Service connection for diabetes mellitus type II as a result of exposure to herbicides.

Service connection for diabetes mellitus type II is denied.

We grant service connection for a disease or disability that began in military service or was caused by some event or experience in service. To establish entitlement for service-connected compensation benefits, the evidence must show three things: (1) An injury in military service; or a disease that began in or was made worse during active military service; or an event in service causing injury or disease; (2) A current physical disability; (3) A relationship between the current disability and an injury, disease, or event in service, which is usually shown by medical records or medical opinions. Additionally, pursuant to 38 CFR 3.309(a), certain chronic diseases, including diabetes mellitus, shall be granted service connection, although not otherwise established as incurred in or aggravated by service, if they manifest to a compensable degree with one year from separation from active duty.

Alternatively, service connection may be warranted where a veteran who was exposed to an herbicide agent during active military, naval, or air service, is diagnosed with a certain disease for which VA positively associates with exposure to herbicides even though there is no record of such disease during service. Specifically, under the authority granted by the Agent Orange Act of 1991, VA has determined that presumption of service connection based on exposure to herbicides used in Vietnam is not warranted for any conditions other than those for which VA has found a positive association between the condition and such exposure. VA has determined that a positive association exists between exposure to herbicides and the subsequent development of only the following conditions: AL amyloidosis; chloracne or other acneform disease consistent with chloracne; type 2 diabetes (also known as type II diabetes mellitus or adult-onset diabetes); Hodgkin's disease; ischemic heart disease (including, but not limited to, acute, subacute, and old myocardial infarction, atherosclerotic cardiovascular disease including coronary artery disease, including coronary spasm, and coronary bypass surgery, and stable, unstable and Prinzmetal's angina); all chronic B-cell leukemias (including but not limited to, hairy-cell leukemia and chronic lymphocytic leukemia); multiple myeloma; non-Hodgkin's lymphoma; Parkinson's disease; early-onset peripheral neuropathy; porphyria cutanea tarda (PCT); prostate cancer; respiratory cancers (cancer of the lung, bronchus, larynx, or trachea); and soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma). PCT, chloracne, and early-onset peripheral neuropathy are required to become manifest to a compensable degree within one year from last exposure.

Please note in order for VA to acknowledge that you were exposed to Agent Orange/herbicides, the evidence must show that you a) physically served within or visited the country of the Republic of Vietnam, or its inland waterways between January 9, 1962 and May 7, 1975, b) served in a unit stationed along the Korean demilitarized zone between April 1, 1968 and August

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31, 1971, or 3) you were exposed to Agent Orange in some other manner. Pursuant to 38 CFR 3.307(6)(iii), a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, shall be presumed to have been exposed during such service to an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service. The last date on which such a veteran shall be presumed to have been exposed to an herbicide agent shall be the last date on which he or she served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975. Service in the Republic of Vietnam includes service in the waters offshore and service in other locations if the conditions of service involved duty or visitation in the Republic of Vietnam.

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We received an informal claim for disability benefits for diabetes mellitus type II from you on August 11, 2011, to which we subsequently received a formal claim for benefits, VA Form 21-526, from you on September 27, 2011. You indicated that your diabetes mellitus type II is a result of your exposure to Agent Orange/herbicides during service. You indicated that you were exposed to herbicides while flying many missions on C-123 Globemaster aircrafts that departed from Hanscom Air Force Base and Travis Air Force Base in which you delivered supplies, including Agent Orange drums, which often leaked, to the Republic of Vietnam. You indicated that you worked and flew on C-123 aircraft that were previously used to spray Agent Orange/herbicides in the Republic of Vietnam. You indicated that you were exposed to the leftover Agent Orange residue while assigned to these aircrafts and that such exposure resulted in your current diabetes mellitus type II. You also indicated that you made numerous in-country flights to the Republic of Vietnam, particularly to Tan Son Nhut Air Base and Cam Ranh Bay, aboard C-123 Globemaster aircrafts during your service in the Air Force Reserves. You indicated that you were exposed to herbicides while in-country by virtue of bathing as the Agent Orange would run off into the rivers and water supplies at the bases. You also indicated that you later worked on C-123 aircraft that sprayed Agent Orange/herbicides in Vietnam during your assignment at the Westover Air Force Base, MA.

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On October 14, 2011, we sent you a duty to assist letter apprising you of the evidentiary requirements to support a claim for service connection for diabetes mellitus, both on a direct basis and due to exposure to herbicides. In response to this request, you furnished private treatment reports from Dr. Philip M. Wade which show a diagnosis and treatment for non-insulin dependent diabetes mellitus.

In support of your claim for exposure to herbicides, we received numerous buddy statements attesting to the nature of your claimed exposure to herbicides. These buddy statements and letters include the letter from Alcide F. Patenaude, USAFR (Ret), the letter from John O. Harris, USAFR (Ret), the letter from Wesley T. Clark, USAFR, (Ret) titled "United States Air Force Withheld Evidence of Agent Orange Exposure," and the letter from Christopher J. Portier,

Director, National Center, and Environmental Health, and Agency for Toxic Substances and Disease Registry. We also received numerous copies of personnel documents from you from your service in the Air Force reserves.

We reviewed your service treatment records and found no evidence of a diagnosis of, treatment for, or complaints of or characteristic manifestations of diabetes mellitus.

It should be expressly noted that the Military Records Specialist performed an exhaustive review of your claim's file to determine whether or not your service in the U.S Marine Corps Reserves, the Air Force Reserves, and the Air National Guard constituted active duty for VA purposes under 38 CFR 3.6. Based on the Military Records Specialist's findings, you are considered to have active duty only from May 17, 1954 to August 17, 1954 in the Marine Corps, active duty from November 12, 1968 to November 25, 1968 with the Air Force Reserves, and finally active duty from August 9, 1969 to August 22, 1969 with the Air Force Reserves. Pursuant to 38 CFR 3.6, active military, naval, and air service includes any period of active duty, active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled or died from an injury incurred or aggravated in line of duty or from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident which occurred during such training.

In order to properly decide your claim, namely the essential question of whether or not the evidence supports your exposure to herbicides during service, we requested your entire official military personnel file from the service department. However, upon careful review of these records, the evidence fails to sufficiently establish any service or temporary visitation to the Republic of Vietnam or exposure to herbicides at any time, in any manner, during service. Additionally, we sought out the assistance of the Joint Services Records Research Center (JSRRC), the Air Force Historical Research Agency (AFHRA), and the Department of Veterans Affairs (VA) Central Office in an effort to exhaust all avenues of approach to verify your claimed exposure to herbicides. After a careful and thorough review of your claim's file, and upon receipt of responses from the aforementioned 3rd parties, the evidence fails to demonstrate that you were exposed to Agent Orange/herbicides during your military service. Specifically, while the official reported history from November 1968 and March 1969 shows that your unit, the 731st Military Airlift Squadron averaged 100 sorties each month all over the globe, the exact destinations of these support missions are not detailed. Additionally, while the official reported history shows that the 94th Military Airlift wing, the next higher headquarters for the 731st Military Airlift Squadron, flew C-124 aircraft into Vietnam, there is no official record of when, where, who, or what this Wing carried on those trips. Finally, the Department of Defense does not show any use, testing, or storage of tactical herbicides, such as Agent Orange at Hanscom Air Force Base, MA or Travis Air Force Base, CA at any time. Additionally, the official record

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shows that Agent Orange was shipped to the Republic of Vietnam by merchant marine vessels, not by aircraft from U.S Air Force bases.

As of this date, the Department of Veterans Affairs (VA) does not currently recognize remote or secondary exposure to Agent Orange from contact with aircraft or equipment previously used in Vietnam. It should also be noted that the U.S. Air Force (USAF) recently collected and analyzed numerous samples from C-123 aircraft to test for Agent Orange. The Air Force's recent risk assessment report dated April 27, 2012 found that potential exposures to Agent Orange in C-123 planes used after the Vietnam War were unlikely to have put aircrew or passengers at risk for future health problems. The report concluded that a) there was not enough information and data to conclude how much individual persons would have been exposed to Agent Orange, b) that exposure to Agent Orange in these aircraft after the Vietnam War was lower than exposure during the spraying missions in Vietnam, and c) potential Agent Orange exposures were unlikely to have exceed standards set by regulators or to have put people at risk for future health problems.

Consequently, although some evidence supports your claim, the totality of the evidence of record fails to satisfactorily demonstrate that you served in or visited the Republic of Vietnam or were exposed to Agent Orange/herbicides in the meaning of 38 CFR 3.307(6)(iii). Although the evidence shows a current diagnosis of diabetes mellitus type II, there is no evidence of an in-service event, injury, disease, or exposure upon which to link or associate your current diabetes mellitus. Therefore, as the evidence fails to show that this condition was incurred in or caused by service, or that it manifested to a compensable degree within one year from your separation from service to qualify you for presumptive service connection, service connection must be denied at this time.

5. Service connection for prostate cancer (also claimed as high PSA) as a result of exposure to herbicides.

Service connection for prostate cancer (also claimed as high PSA) is denied.

We grant service connection for a disease or disability that began in military service or was caused by some event or experience in service. To establish entitlement for service-connected compensation benefits, the evidence must show three things: (1) An injury in military service; or a disease that began in or was made worse during active military service; or an event in service causing injury or disease; (2) A current physical disability; (3) A relationship between the current disability and an injury, disease, or event in service, which is usually shown by medical records or medical opinions. Additionally, pursuant to 38 CFR 3.309(a), certain chronic diseases, including prostate cancer, shall be granted service connection, although not otherwise established

as incurred in or aggravated by service, if they manifest to a compensable degree with one year from separation from active duty.

Alternatively, service connection may be warranted where a veteran who was exposed to an herbicide agent during active military, naval, or air service, is diagnosed with a certain disease for which VA positively associates with exposure to herbicides even though there is no record of such disease during service. Specifically, under the authority granted by the Agent Orange Act of 1991, VA has determined that presumption of service connection based on exposure to herbicides used in Vietnam is not warranted for any conditions other than those for which VA has found a positive association between the condition and such exposure. VA has determined that a positive association exists between exposure to herbicides and the subsequent development of only the following conditions: AL amyloidosis; chloracne or other acneform disease consistent with chloracne; type 2 diabetes (also known as type II diabetes mellitus or adult-onset diabetes); Hodgkin's disease; ischemic heart disease (including, but not limited to, acute, subacute, and old myocardial infarction, atherosclerotic cardiovascular disease including coronary artery disease, including coronary spasm, and coronary bypass surgery, and stable, unstable and Prinzmetal's angina); all chronic B-cell leukemias (including but not limited to, hairy-cell leukemia and chronic lymphocytic leukemia); multiple myeloma; non-Hodgkin's lymphoma; Parkinson's disease; early-onset peripheral neuropathy; porphyria cutanea tarda (PCT); prostate cancer; respiratory cancers (cancer of the lung, bronchus, larynx, or trachea); and soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma). PCT, chloracne, and early-onset peripheral neuropathy are required to become manifest to a compensable degree within one year from last exposure.

Please note in order for VA to acknowledge that you were exposed to Agent Orange/herbicides, the evidence must show that you a) physically served within or visited the country of the Republic of Vietnam, or its inland waterways between January 9, 1962 and May 7, 1975, b) served in a unit stationed along the Korean demilitarized zone between April 1, 1968 and August 31, 1971, or 3) you were exposed to Agent Orange in some other manner. Pursuant to 38 CFR 3.307(6)(iii), a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, shall be presumed to have been exposed during such service to an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service. The last date on which such a veteran shall be presumed to have been exposed to an herbicide agent shall be the last date on which he or she served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975. Service in the Republic of Vietnam includes service in the waters offshore and service in other locations if the conditions of service involved duty or visitation in the Republic of Vietnam.

We received an informal claim for disability benefits for prostate cancer due to exposure to Agent Orange/herbicides from you on August 11, 2011, to which we subsequently received a formal claim for benefits, VA Form 21-526, from you on September 27, 2011. You specifically admitted, however, on your VA Form 21-4138 Statement in Support of Claim received on September 27, 2011, that while you had high PSA (prostate specific antigen) numbers back in 2000, you were never diagnosed or treated for prostate cancer. You indicated that you were merely put on medication to keep your PSA numbers low. Please note, however, that a high PSA, in and of itself, is considered a mutable laboratory finding and not a disability subject to service connection within the meaning of the law.

Now, you indicated that you were exposed to herbicides while flying many missions on C-123 Globemaster aircrafts that departed from Hanscom Air Force Base and Travis Air Force Base in which you delivered supplies, including Agent Orange drums, which often leaked, to the Republic of Vietnam. You indicated that you worked and flew on C-123 aircraft that were previously used to spray Agent Orange/herbicides in the Republic of Vietnam. You indicated that you were exposed to the leftover Agent Orange residue while assigned to these aircrafts and that such exposure resulted in your current condition. You also indicated that you made numerous in-country flights to the Republic of Vietnam, particularly to Tan Son Nhut Air Base and Cam Ranh Bay, aboard C-123 Globemaster aircrafts during your service in the Air Force Reserves. You indicated that you were exposed to herbicides while in-country by virtue of bathing as the Agent Orange would run off into the rivers and water supplies at the bases. You also indicated that you later worked on C-123 aircraft that sprayed Agent Orange/herbicides in Vietnam during your assignment at Westover Air Force Base, MA.

On October 14, 2011, we sent you a duty to assist letter apprising you of the evidentiary requirements to support a claim for service connection for prostate cancer, both on a direct basis and due to exposure to herbicides. In response to this request, you furnished private treatment reports from Dr. Richard Babayan of the Boston Medical Center which showing a diagnosis of benign prostate hypertrophy and chronic prostatitis treated with combination medical therapy of doxazosin and finasteride. These records do not show a diagnosis of prostate cancer.

In support of your claim for exposure to herbicides, we received numerous buddy statements attesting to the nature of your claimed exposure to herbicides. These buddy statements and letters include the letter from Alcide F. Patenaude, USAFR (Ret), the letter from John O. Harris, USAFR (Ret), the letter from Wesley T. Clark, USAFR, (Ret) titled "United States Air Force Withheld Evidence of Agent Orange Exposure," and the letter from Christopher J. Portier, Director, National Center, and Environmental Health, and Agency for Toxic Substances and Disease Registry. We also received numerous copies of personnel documents from you from your service in the Air Force reserves.

We reviewed your service treatment records and found ²⁶no evidence of a diagnosis of, treatment for, or characteristic manifestations of prostate cancer, or benign prostate hypertrophy or chronic prostatitis, conditions which are known to raise PSA levels.

It should be expressly noted that the Military Records Specialist performed an exhaustive review of your claim's file to determine whether or not your service in the U.S Marine Corps Reserves, the Air Force Reserves, and the Air National Guard constituted active duty for VA purposes under 38 CFR 3.6. Based on the Military Records Specialist's findings, you are considered to have active duty only from May 17, 1954 to August 17, 1954 in the Marine Corps, active duty from November 12, 1968 to November 25, 1968 with the Air Force Reserves, and finally active duty from August 9, 1969 to August 22, 1969 with the Air Force Reserves. Pursuant to 38 CFR 3.6, active military, naval, and air service includes any period of active duty, active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled or died from an injury incurred or aggravated in line of duty or from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident which occurred during such training.

In order to properly decide your claim, namely the essential question of whether or not the evidence supports your exposure to herbicides during service, we requested your entire official military personnel file from the service department. However, upon careful review of these records, the evidence fails to sufficiently establish any service or temporary visitation to the Republic of Vietnam or exposure to herbicides at any time, in any manner, during service. Additionally, we sought out the assistance of the Joint Services Records Research Center (JSRRC), the Air Force Historical Research Agency (AFHRA), and the Department of Veterans Affairs (VA) Central Office in an effort to exhaust all avenues of approach to verify your claimed exposure to herbicides. After a careful and thorough review of your claim's file, and upon receipt of responses from the aforementioned 3rd parties, the evidence fails to demonstrate that you were exposed to Agent Orange/herbicides during your military service. Specifically, while the official reported history from November 1968 and March 1969 shows that your unit, the 731st Military Airlift Squadron averaged 100 sorties each month all over the globe, the exact destinations of these support missions are not detailed. Additionally, while the official reported history shows that the 94th Military Airlift wing, the next higher headquarters for the 731st Military Airlift Squadron, flew C-124 aircraft into Vietnam, there is no official record of when, where, who, or what this Wing carried on those trips. Finally, the Department of Defense does not show any use, testing, or storage of tactical herbicides, such as Agent Orange at Hanscom Air Force Base, MA or Travis Air Force Base, CA at any time. Additionally, the official record shows that Agent Orange was shipped to the Republic of Vietnam by merchant marine vessels, not by aircraft from U.S Air Force bases.

26. Well Known Fact that the effects of A.O are not always evident right away.

As of this date, the Department of Veterans Affairs (VA) does not currently recognize remote or secondary exposure to Agent Orange from contact with aircraft or equipment previously used in Vietnam. It should also be noted that the U.S. Air Force (USAF) recently collected and analyzed numerous samples from C-123 aircraft to test for Agent Orange. The Air Force's recent risk assessment report dated April 27, 2012 found that potential exposures to Agent Orange in C-123 planes used after the Vietnam War were unlikely to have put aircrew or passengers at risk for future health problems. The report concluded that a) there was not enough information and data to conclude how much individual persons would have been exposed to Agent Orange, b) that exposure to Agent Orange in these aircraft after the Vietnam War was lower than exposure during the spraying missions in Vietnam, and c) potential Agent Orange exposures were unlikely to have exceed standards set by regulators or to have put people at risk for future health problems.

Consequently, although some evidence supports your claim, the totality of the evidence of record fails to satisfactorily demonstrate that you served in or visited the Republic of Vietnam or were exposed to Agent Orange/herbicides in the meaning of 38 CFR 3.307(6)(iii). Further disqualifying, the evidence fails to demonstrate a diagnosis of prostate cancer to qualify you for the presumption of service connection based on such exposure. Although the evidence shows a diagnoses of benign prostate hypertrophy and chronic prostatitis, conditions which are known to raise PSA levels, the available evidence, including current scientific and medical literature, does not support the conclusion that such conditions are positively associated with exposure to Agent Orange/herbicides.

Therefore, as the evidence fails to show a diagnosis of prostate cancer, a link or relationship between a condition manifested by your claimed high PSA and your military service, or evidence showing that prostate cancer manifested within one year from your separation from active duty to qualify you for presumptive service connection, service connection must be denied at this time.

6. Service connection for hereditary hemochromatosis (also claimed as high iron).

Service connection for hereditary hemochromatosis (also claimed as high iron) is denied.

We grant service connection for a disease or disability that began in military service or was caused by some event or experience in service. To establish entitlement for service-connected compensation benefits, the evidence must show three things: (1) An injury in military service; or a disease that began in or was made worse during active military service; or an event in service causing injury or disease; (2) A current physical disability; (3) A relationship between the current disability and an injury, disease, or event in service, which is usually shown by medical records or medical opinions.

Alternatively, service connection may be warranted where a veteran who was exposed to an herbicide agent during active military, naval, or air service, is diagnosed with a certain disease for which VA positively associates with exposure to herbicides even though there is no record of such disease during service. Specifically, under the authority granted by the Agent Orange Act of 1991, VA has determined that presumption of service connection based on exposure to herbicides used in Vietnam is not warranted for any conditions other than those for which VA has found a positive association between the condition and such exposure. VA has determined that a positive association exists between exposure to herbicides and the subsequent development of only the following conditions: AL amyloidosis; chloracne or other acneiform disease consistent with chloracne; type 2 diabetes (also known as type II diabetes mellitus or adult-onset diabetes); Hodgkin's disease; ischemic heart disease (including, but not limited to, acute, subacute, and old myocardial infarction, atherosclerotic cardiovascular disease including coronary artery disease, including coronary spasm, and coronary bypass surgery, and stable, unstable and Prinzmetal's angina); all chronic B-cell leukemias (including but not limited to, hairy-cell leukemia and chronic lymphocytic leukemia); multiple myeloma; non-Hodgkin's lymphoma; Parkinson's disease; early-onset peripheral neuropathy; porphyria cutanea tarda (PCT); prostate cancer; respiratory cancers (cancer of the lung, bronchus, larynx, or trachea); and soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma). PCT, chloracne, and early-onset peripheral neuropathy are required to become manifest to a compensable degree within one year from last exposure.

Please note in order for VA to acknowledge that you were exposed to Agent Orange/herbicides, the evidence must show that you a) physically served within or visited the country of the Republic of Vietnam, or its inland waterways between January 9, 1962 and May 7, 1975; b) served in a unit stationed along the Korean demilitarized zone between April 1, 1968 and August 31, 1971, or 3) you were exposed to Agent Orange in some other manner. Pursuant to 38 CFR 3.307(g)(iii), a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, shall be presumed to have been exposed during such service to an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service. The last date on which such a veteran shall be presumed to have been exposed to an herbicide agent shall be the last date on which he or she served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975. Service in the Republic of Vietnam includes service in the waters offshore and service in other locations if the conditions of service involved duty or visitation in the Republic of Vietnam.

We received an informal claim for disability benefits for hereditary hemochromatosis (also claimed as high iron) due to exposure to Agent Orange/herbicides from you on August 11, 2011, to which we subsequently received a formal claim for benefits, VA Form 21-526, from you on

September 27, 2011. You indicated that you were diagnosed with a high iron count in your blood. You reported that having no family history of this condition, you attribute this condition as due to your exposure to Agent Orange/herbicides during service.

On October 14, 2011, we sent you a duty to assist letter apprising you of the evidentiary requirements to support a claim for service connection for high iron count on a direct basis. We subsequently sent you a letter on July 2, 2012 indicating that while a high iron count was not a disability that VA positively associates with exposure to herbicides, if you sent us any medical or scientific basis which would credibly establish a relationship between your claimed condition and prior exposure to herbicides, we would fully consider this evidence in the decision-making process. You also indicated via a handwritten letter on July 16, 2012 that you feel that since excess iron is directly related to diabetes mellitus, your excess iron is attributable to your diabetes mellitus.

In supports of your claim, we received private treatment reports from Dr. Phillip Wade showing a diagnosis of hereditary hemochromatosis due to a heterozygous C282y gene mutation. The treatment reports from Dr. Wade indicated that you have achieved a very good control of your hereditary hemochromatosis with regular phlebotomy intervals. We also received a VA Form 21-4138 Statement in Support of Claim from a Dr. Kelly M. Swanson on July 16, 2012 showing that you have iron overload ^{BP} secondary to hereditary hemochromatosis. Dr. Swanson remarked, however, that you have been requiring phlebotomy, which is somewhat unusual for an individual with a heterozygous C282y gene mutation.

According to the Mayo Clinic, Online Edition, hereditary hemochromatosis causes your body to absorb causes your body to absorb too much iron from the food you eat. This excess iron is stored in your organs, especially your liver, heart and pancreas. The excess iron can poison these organs, leading to life-threatening conditions such as cancer, heart arrhythmias and cirrhosis. Signs and symptoms of hereditary hemochromatosis usually appear in midlife. Iron can be dropped to safe levels by regularly removing blood from your body.

Please note that while you have been diagnosed with hereditary hemochromatosis, we reviewed your service treatment records and found no evidence of a diagnosis of, treatment for, or characteristic manifestations of hemochromatosis. Therefore, in such cases, VA has determined that the presumption of soundness is not rebutted merely by the fact that a disease is hereditary, or that a veteran has a genetic or familial predisposition to develop the disease. Only when a veteran actually exhibits symptomology and/or when an active disease process is clinically diagnosed will a veteran be considered to have developed the condition. In this case, the evidence neither shows that this condition was incurred during service nor pre-existed your service by virtue of evidence of any characteristic manifestations sufficient to identify that the condition clearly and unmistakably prior to service. Additionally, although you contend that

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-look on the Internet to educate yourself about Secondary
hemochromatosis

this condition was caused by your exposure to herbicides, the total evidentiary showing does not support the conclusion that you were exposed to herbicides during service. Please refer to Issues # 3, # 4, and # 5 for further information regarding our determination that there is no evidence to support your exposure to herbicides. Further disqualifying, VA has not found that a positive association exists between hereditary hemochromatosis (also claimed as high iron) and prior exposure to herbicides nor does the evidence of record, by virtue of any medical or scientific studies or literature, demonstrate that such a condition is associated with exposure to herbicides. Now, although you contend that your hereditary hemochromatosis is due to your diabetes mellitus, there is no link or relationship between your diabetes mellitus and your military service. Consequently, by that token, there is effectively no tangible link between your hereditary hemochromatosis and your military service.

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Therefore, as the evidence fails to show any link or relationship between your hereditary hemochromatosis (also claimed as high iron) and your military service, to include exposure to herbicides, service connection must be denied at this time.

REFERENCES:

Title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans' Relief contains the regulations of the Department of Veterans Affairs which govern entitlement to all veteran benefits. For additional information regarding applicable laws and regulations, please consult your local library, or visit us at our web site, www.va.gov.

... that was prepared!

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