

**Presumptions of Service Connection for Persian Gulf Service**  
**CFR Title is 38, CFR Part is 3.**

**Summary:** The Department of Veterans Affairs (VA) is proposing to amend its regulations concerning presumptive service connection for certain diseases that pertain to service during the Gulf War. This historic action is necessary to implement the Secretary of Veterans Affairs' decision that there is a relationship between service in Southwest Asia during certain periods and certain infectious diseases. The goal is to establish presumptive service connection for these diseases and to offer guidance to Veterans and their families regarding long-term health effects associated with these diseases.

**Fact Sheet**

1. VA is improving access to benefits and services. We are here to improve the access to our benefits and services for Gulf War I Veterans, and Veterans of all Eras.
  - a. These new presumptions will improve the service provided to nearly one out of three Gulf War I Veterans through medical services and/or the payment of benefits. The Secretary is committed to improving the timeliness of benefits delivery and access to quality care.
  - b. With the proposed rule, a Veteran will only have to show service in Southwest Asia or Afghanistan, and a current diagnosis of one of the nine diseases above.
  
2. Secretary Shinseki and all VA employees value the selfless service and sacrifice of Veterans and their families who have served in the Persian Gulf Theater, and recognizes their struggle for acknowledgement of their illnesses related to that service and sacrifice..
  - a. The Chief of Staff, who is a Gulf War I Veteran, volunteered to lead the interagency task force to identify gaps in service, and to provide recommendations on making the lives of Gulf War I Veterans better. Extending these presumptions to Afghanistan and ensuring that we capitalize on the opportunity to reach as many Veterans as possible was the principle recommendation of the task force.
  - b. The draft report and findings of the Gulf War Veterans' Illnesses Task Force will be posted for public comment and review in the near future.

3. VA continues to advocate for Veterans. This action will make it easier for Veterans to obtain disability compensation for certain diseases associated with service in the Persian Gulf War or Afghanistan. This will be the beginning of historic change for how VA considers Gulf War Veterans' illnesses, and for Veterans suffering from these illnesses.

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**QUESTIONS AND ANSWERS**  
**“Presumptions of Service connection for Persian Gulf Service”**  
**March 17, 2010**

**1. What does this proposed rulemaking do?**

This proposed regulation implements a decision of the Secretary of Veterans Affairs that there is a positive association between service during certain periods of military service in Southwest Asia or in Afghanistan, and the subsequent development of certain infectious diseases. The effect of this proposed regulation is to establish a presumption of service connection for these diseases which may entitle Veterans to VA healthcare and/or benefits payments

**2. What types of claims for VA benefits does the proposed rulemaking affect?**

The proposed rule affects compensation claims filed by Veterans with service during certain time periods in Southwest Asia or in Afghanistan, for Brucellosis, Campylobacter jejuni, Coxiella burnetii (Q fever), Malaria, Mycobacterium tuberculosis, Nontyphoid Salmonella, Shigella, Visceral leishmaniasis, and West Nile virus. Although the Rule affects only those claims that are filed after the rule change takes effect, and will be permitted to be paid only from the effective date of the Final Rule.

**3. Why is this proposed rulemaking necessary?**

The Secretary, in accordance with The Persian Gulf War Veterans Act of 1998, has determined that there is a basis to establish a presumption of service connection at this time, based on service during certain time periods in Southwest Asia or in Afghanistan for certain time periods, for Brucellosis, Campylobacter jejuni, Coxiella burnetii (Q fever), Malaria, Mycobacterium tuberculosis, Nontyphoid Salmonella, Shigella, Visceral leishmaniasis, and West Nile virus as identified in the National Academy of Sciences (NAS) October 16, 2006 report, titled “Gulf War and Health Volume 5: Infectious Diseases.” In this regard, the Secretary of Veterans Affairs determined, based upon the NAS report, that there is a positive association between service in Southwest Asia or in Afghanistan, and the subsequent development of the listed infectious diseases.

**4. How does this proposed rulemaking help veterans?**

The proposed rule will expedite the processing of claims for service connection. A claimant will not be required to establish, with medical evidence, an actual connection between military service in Southwest Asia or Afghanistan and diagnosed Brucellosis, Campylobacter jejuni, Coxiella burnetii (Q fever), Malaria, Mycobacterium tuberculosis, Nontyphoid Salmonella, Shigella, Visceral leishmaniasis, and West Nile virus. Instead,

a claimant will only have to show service during certain time periods in Southwest Asia or Afghanistan, and a current diagnosis of one of the nine diseases.

#### **5. How many Veterans currently have these “presumptive conditions”?**

A very small number of Veterans, less than 2,000, have been diagnosed with any of these illnesses by VA since 1991. Of these, less than 20 individuals were diagnosed with more than one of the infectious diseases. The 2,000 number may also overstate the impact since 1,573 cases, more than 75 percent, were cases of Campylobacter Jejuni, which is also the most commonly reported cause of food borne infection in the United States. Fewer than 109 cases of each of the other diseases have been diagnosed by VA clinicians.

#### **6. What caused VA to include these presumptions now or use the term Gulf War Illness?**

At this time, VA does not believe there is a single Gulf War Illness or Syndrome. The issue is far more complex and varies with each individual service member’s environmental exposures during service in the early and ongoing Gulf Wars. However, VA has been treating and compensating Veterans for undiagnosed or chronic unexplained multi-symptom illnesses related to service in Southwest Asia and the Middle East for nearly two decades. The illnesses and diseases included under this umbrella are compiled by VA funded Gulf War research and verified by the Institutes of Medicine (IOM). The nine illnesses covered by the new presumptions are all infectious diseases and are noted in the 2006 IOM report, Gulf War and Health Volume 5 as endemic to the Middle East/Southwest Asia area. In some cases, infection with one of these agents may lead to some of the chronic multi-symptom illnesses suffered by some troops of the Gulf Wars.

#### **7. How do Veterans know if they have any of these presumptive diseases?**

The key to the new presumptions is the development of symptoms during or very shortly after service in the Middle East/Southwest Asia, usually within the same year of exposure. However, visceral leishmaniasis and Mycobacterium Tuberculosis have been granted unlimited presumption since they can develop much later. Many of the diseases share symptoms with the flu or common illnesses such as frequent fevers or skin rashes. Veterans who served in the Gulf or Veterans who suffer chronic illness since their service in the Gulf should seek treatment at a VA medical facility for diagnoses. Veterans can find their nearest medical facility at [www.va.gov](http://www.va.gov).

#### **8. When will VA start processing claims for this new regulation?**

VA will begin processing claims based on the provisions of this proposed regulation when the final rule is published.

#### **9. Will VA be going through old Gulf War Illness claims and reexamining?**

VA will review all claims submitted by Veterans who feel these rule changes entitle them to compensation. The final rule will also apply to claims for one of the new diseases that are pending when the rule is published. Entitlement to benefits will be from the effective date of the final rule for those who apply within one year of the publication of the final rule.

**10. For Veterans who resubmit, will they be given special priority?**

VA is working hard to improve claims processing for all Veterans. Veterans can assist in expediting their claims by providing any private treatment records they have relating to these conditions.

**11. Will this claim system be automated similar to the Agent Orange presumptives?**

No, because of the small number of anticipated claims, this change does not lend itself well to the special processes being explored for the potentially very large number of Agent Orange claims we anticipate. VA will be explaining more about this process in the future, as we get closer to receiving the final rule publication for the Agent Orange presumptive conditions.

**12. If a veteran has multiple issues (such as heart issue, knee problem, back issue) does he/she submit all three at one time or submit for the presumption first and then submit the other issues?**

Veterans should file claims for all issues they believe to have been incurred in or aggravated by service at one time.

**13. If a veteran has been denied for an issue that is now a presumption does he/she have to resubmit? And if so, what date would be used?**

Yes. If entitlement is established, service connection will be granted from the date of the publication of the rule. Compensation or additional compensation payable because of this rule will be payable from the first of the month following publication.

**14. Does VA plan to do any special outreach to Persian Gulf and Afghanistan veterans, who either have or had a compensation claim related to the nine presumptives or are still on active duty?**

VA will release a press release concurrently with publication of this proposed rule. Additionally, VA will work with Veterans Service Organizations and stakeholders to ensure that potentially affected Veterans are made aware of the rule. VA expects to release a second press release when the final rule is published.

**15. What does this new rule have to do with the Gulf War Veterans' Illnesses Task Force? How are they related?**

**These new nine presumptive conditions were requested by the Secretary prior to the completion of the Gulf War Veterans' Illnesses Task Force Draft Report; however, one of the initial recommendations to the Secretary was to enact the recommendations of the National Academy of Sciences( NAS) as it related to the nine presumptive conditions, and to ensure coverage for ALL Veterans who may be in need and would qualify for this presumption. Specifically,**

1. The Persian Gulf War has not officially been declared ended, Veterans serving in Operation Iraqi Freedom are eligible for VA's new presumptions.
2. Secretary Shinseki decided to include Afghanistan Veterans in these presumptions because National Academy of Sciences found that the nine diseases are prevalent in Afghanistan.