



**DEPARTMENT OF VETERANS AFFAIRS  
Veterans Benefits Administration  
Regional Office**



**Represented By:  
GORDON A GRAHAM  
Rating Decision  
03/26/2020**

**INTRODUCTION**

The records reflect that you are a Veteran of the Peacetime and Vietnam Era. You served in the Marine Corps from July 22, 1969 to July 21, 1972 and the Army from June 24, 1974 to July 18, 1979. We received a request to reopen a previous claim on March 6, 2020. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

**DECISION**

1. The previous denial of service connection for Hepatitis C is confirmed and continued.
2. The previous denial of service connection for autonomic dysreflexia is confirmed and continued.
3. The previous denial of service connection for diabetes, steroid induced is confirmed and continued.
4. The previous denial of service connection for liver transplant is confirmed and continued.



EVIDENCE

- VA Form 20-0995, Supplemental Claim Application, March 9, 2020
- Statement from Dr. Maria Rivero, dated February 7, 2020, received March 9, 2020
- VA Letter dated March 11, 2020
- Statement of the Case, dated January 13, 2020
- Private Treatment Records, Vanderbilt University Medical Center, May-July 2012, received April 7, 2015
- VA Form 21-4138, Statement in Support of Claim, received February 12, 2016
- Notification letter to you of unavailability of Service Treatment Records for period of service from June 24, 1974, to July 18, 1979, dated July 30, 2015
- Section (§) 5103 Notice Responses, received August 17, 2015, and September 5, 2019
- VAMC (Veterans Affairs Medical Center) treatment records, Central Arkansas Veterans Healthcare System, from October 24, 2011, through January 3, 2019
- Lay [REDACTED], received August 17, 2015
- VA letter concerning your claim, dated April 30, 2015
- Treatment Records, Loma Linda University Hospital, dated January-March 1985, received April 7, 2015
- VA Forms 21-0820/27-0820, Report of General Information, dated July 22, 2015, December 16, 2015, February 8, 2016, June 21, 2019, October 24, 2019, and October 30, 2019
- Memorandum of Settlement or Judgment under Federal Tort Claims Act, dated April 28, 2015, received June 26, 2015
- VA medical opinion, VA Medical Center, Fayetteville, Arkansas, dated June 13, 2016
- Lay statement, [REDACTED] (spouse), received April 7, 2015
- VAMC (Veterans Affairs Medical Center) treatment records, Nashville VA Medical Center, from May 7, 2012, through March 26, 2020
- VA Form 21-526EZ Application for Disability Compensation and Related Compensation Benefits, received April 7, 2015
- Service Treatment Records for period of service in the United States Marine Corps from July 22, 1969, to July 21, 1972, received January 8, 2015
- Military personnel records for period of service in the United States Marine Corps from July 22, 1969, to July 21, 1972, and period of service in the United States Army from June 24, 1974, to July 18, 1979, received April 7, 2015, April 20, 2015, and April 30, 2015
- DD Forms 214, Certificate of Release or Discharge from Active Duty, for periods of service from July 22, 1969, to July 21, 1972, and from June 24, 1974, to July 18, 1979
- VA contract examination and medical opinion, QTC Medical Services, Inc., dated January 2, 2020
- Lay statement, [REDACTED], received September 8, 2015
- Rating decision dated August 1, 2016, and notification letter dated August 8, 2016
- Your correspondence and Nashville VA Medical Center records dated May 9, 2012, received July 19, 2017
- Notice of Disagreement and DRO review election received July 19, 2017
- Appeals process explanation letter dated July 28, 2017
- Email correspondence from accredited representative received June 19, 2019, and June 28, 2019
- VA letter to you dated August 23, 2019
- Correspondence/hepatitis C risk factors statement received September 5, 2019

- Verbal informed consent forms dated February 22, 2012, and March 13, 2012, received from Central Arkansas Veterans Healthcare System on December 18, 2019
- VA contract exam notification letter to you dated December 19, 2019

## **REASONS FOR DECISION**

### **1. Service connection for Hepatitis C.**

A claimant may request a supplemental claim of a finally adjudicated claim by submitting new and relevant evidence. New evidence means evidence not previously submitted to the agency adjudicators. Relevant evidence means evidence that tends to prove or disprove a matter in issue in a claim. New and relevant evidence can be neither cumulative nor redundant of the evidence of record at the time of the last prior final denial of the claim sought to be reopened, and must raise a reasonable possibility of substantiating the claim. (38 CFR 3.2501) In support of your claim, new and relevant evidence has been received and your claim is now reconsidered.

Service connection may be granted for a disability which began in military service or was caused by some event or experience in service. (38 CFR 3.303, 38 CFR 3.304)

To establish service connection for a claimed disorder, there must be: (1) medical evidence of a current disability; (2) medical evidence of a disease or injury while in service; and (3) medical evidence of a link between the claimed in-service disease or injury and the current disability. (38 CFR 3.303, 38 CFR 3.304)

We received and reviewed the statement and medical evidence from Dr. [REDACTED] submitted on March 9, 2020. She states, "direct service connection is warranted because the Veteran was "most likely" immunized with jet injectors, and the Veteran "most likely" used shared shaving razors during service, both of which result in transmission of blood borne pathogens such as Hepatitis C." The doctor continued to say, "The fact that the Veteran already had evidence of liver cirrhosis from the Hepatitis C virus in 2010, suggests that the Veteran had the infection for 30 - 40+ years by 2010, which dates the Hepatitis C virus infection to a period in the mid-to-late 1970s, while serving on active duty in the Army." The evidence does not show an event, disease or injury in service. Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. (38 CFR 3.303, 38 CFR 3.304) The medical evidence shows you were diagnosed with chronic hepatitis C in 2010, 31 years after separation from military service.

Therefore, service connection for Hepatitis C on a direct basis to military service remains denied. (38 CFR 3.303, 38 CFR 3.304)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. Your VA medical center treatment records show a diagnosis of chronic hepatitis C on August 31, 2010.

**2. Service connection for autonomic dysreflexia.**

A claimant may request a supplemental claim of a finally adjudicated claim by submitting new and relevant evidence. New evidence means evidence not previously submitted to the agency adjudicators. Relevant evidence means evidence that tends to prove or disprove a matter in issue in a claim. New and relevant evidence can be neither cumulative nor redundant of the evidence of record at the time of the last prior final denial of the claim sought to be reopened, and must raise a reasonable possibility of substantiating the claim. (38 CFR 3.2501) In support of your claim, new and relevant evidence has been received and your claim is now reconsidered.

Service connection may be granted for a disability which began in military service or was caused by some event or experience in service. (38 CFR 3.303, 38 CFR 3.304)

To establish service connection for a claimed disorder, there must be: (1) medical evidence of a current disability; (2) medical evidence of a disease or injury while in service; and (3) medical evidence of a link between the claimed in-service disease or injury and the current disability. (38 CFR 3.303, 38 CFR 3.304)

Therefore, service connection for autonomic dysreflexia on a direct basis to military service remains denied. (38 CFR 3.303, 38 CFR 3.304)

Service connection may also be granted for a disease or injury which resulted from a service-connected disability or was aggravated thereby. (38 CFR 3.303, 38 CFR 3.304 38 CFR 3.306, 38 CFR 3.310)

We received and reviewed the statement and medical evidence from Dr. Maria Rivero submitted on March 9, 2020. She states, "The Veteran's severe Autonomic Dysreflexia requiring multiple medications to control blood pressure and rendering him unable to do his activities of daily living is a result of his Hepatitis C virus and liver transplant. The evidence does not show that Hepatitis C or your liver transplant are related to service. Therefore, service-connection for Autonomic Dysreflexia on a secondary basis to either condition cannot be established. (38 CFR 3.310)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. Your VA Medical Center treatment records show a diagnosis of autonomic dysfunction.

**3. Service connection for diabetes, steroid induced.**

A claimant may request a supplemental claim of a finally adjudicated claim by submitting new and relevant evidence. New evidence means evidence not previously submitted to the agency adjudicators. Relevant evidence means evidence that tends to prove or disprove a matter in issue in a claim. New and relevant evidence can be neither cumulative nor redundant of the evidence of record at the time of the last prior final denial of the claim sought to be reopened, and must

raise a reasonable possibility of substantiating the claim. (38 CFR 3.2501) In support of your claim, new and relevant evidence has been received and your claim is now reconsidered.

Service connection may be granted for a disability which began in military service or was caused by some event or experience in service. (38 CFR 3.303)

To establish service connection for a claimed disorder, there must be: (1) medical evidence of a current disability; (2) medical evidence of a disease or injury while in service; and (3) medical evidence of a link between the claimed in-service disease or injury and the current disability. (38 CFR 3.303, 38 CFR 3.304)

The evidence does not show an event, disease or injury in service. Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. Therefore, service connection for diabetes on a direct basis to military service remains denied. (38 CFR 3.303, 38 CFR 3.304)

Service connection may also be granted on a presumptive basis for diabetes if this condition is manifested to a compensable degree (severe enough to be evaluated at least 10 percent disabling) within one year after military discharge. As the medical evidence fails to show a diagnosis of diabetes within one year of military discharge as specified under 38 CFR 3.307, service connection on a presumptive basis must also remain denied. (38 CFR 3.303, 38 CFR 3.307, 38 CFR 3.309)

Service connection may also be granted for a disease or injury which resulted from a service-connected disability or was aggravated thereby. (38 CFR 3.303, 38 CFR 3.304 38 CFR 3.306, 38 CFR 3.310)

We received and reviewed the statement and medical evidence from Dr. Maria Rivero submitted on March 9, 2020. She states, "The Veteran developed Insulin Dependent Diabetes Mellitus (IDDM) most likely as a result of long-term use of Prednisone to prevent rejection. Furthermore, diabetes is associated in a bidirectional manner with the Hepatitis C virus. Increased risk of diabetes is also associated with treatment with interferon as was the case with this Veteran." The evidence does not show that Hepatitis C or your liver transplant are related to service. Therefore, service-connection for diabetes on a secondary basis to either condition cannot be established. (38 CFR 3.310)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. Your treatment records from the Vanderbilt University Medical Center show a diagnosis of post transplant diabetes.

The claimed disability is a chronic disease which may be presumptively linked to your military service. Diabetes shall be granted service connection if manifested to a compensable degree within the applicable time limits under 38 CFR 3.307.

**4. Service connection for liver transplant.**

A claimant may request a supplemental claim of a finally adjudicated claim by submitting new and relevant evidence. New evidence means evidence not previously submitted to the agency adjudicators. Relevant evidence means evidence that tends to prove or disprove a matter in issue in a claim. New and relevant evidence can be neither cumulative nor redundant of the evidence of record at the time of the last prior final denial of the claim sought to be reopened, and must raise a reasonable possibility of substantiating the claim. (38 CFR 3.2501) In support of your claim, new and relevant evidence has been received and your claim is now reconsidered.

Service connection may be granted for a disability which began in military service or was caused by some event or experience in service. (38 CFR 3.303, 38 CFR 3.304)

To establish service connection for a claimed disorder, there must be: (1) medical evidence of a current disability; (2) medical evidence of a disease or injury while in service; and (3) medical evidence of a link between the claimed in-service disease or injury and the current disability. (38 CFR 3.303, 38 CFR 3.304)

The evidence does not show an event, disease or injury in service. Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. (38 CFR 3.303, 38 CFR 3.304)

Therefore, service connection for liver transplant on a direct basis to military service remains denied. (38 CFR 3.303, 38 CFR 3.304)

In order to establish service connection for a secondary condition, the evidence must show a disability, which is proximately due to, or the result of a service-connected disease or injury. The evidence does not show that hepatitis C is related to service. Therefore, service-connection for liver transplant on a secondary basis to this condition cannot be established. (38 CFR 3.310)

Favorable Findings identified in this decision:

You have been diagnosed with a disability. Your treatment records from Vanderbilt University Medical Center show a diagnosis of end stage liver disease, and that you underwent a liver transplant in May 2012.

**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 website, [www.va.gov](http://www.va.gov).