

From: Clay, Robert, E. VBALOUV
To: [Sampsel, James, VBAVACO](#)
Subject: FW: CLCW Guidance and Reminders
Date: Wednesday, June 27, 2012 11:35:00 AM

Jim,

Per our discussion, below is the email we sent to the VSC regarding CLCW processing.

Thank you,

Bob

R. E. Clay, III

(b) (6)
[Redacted]

CONFIDENTIALITY NOTICE

This e-mail transmission is intended only for the personal and confidential use of the recipient(s) designated above. If you are not the intended recipient of this communication (or an agent responsible for delivering it to the intended recipient), you are hereby notified that any review, disclosure or use of the information contained herein is strictly prohibited. If you have received this communication in error, please notify us by telephone, at (b) (6), or by return e-mail, immediately. Thank you.

From: Kaufman, Diane **On Behalf Of** VAVBALOU/RO/VSC

Sent: Friday, June 22, 2012 2:55 PM

To: (b) (6), Ellen, VBALOUV; Bauer, Jeremy, VBALOUV; Binford, Sheena, VBALOUV; Bradford, Christopher, (b) (6)

[Redacted]

(b) (6)

Cc: (b) (6)

[REDACTED], VBALOUV; Clay, Robert, E. VBALOUV; Holtzman, Dean, VBALOUV; Kimbrough, Phyllis, VBALOUV; Kuerzi-Rodgers, Laura, VBALOUV

Subject: FW: CLCW Guidance and Reminders

All VSC Employees,

Please ensure everyone understands there is no legal basis for granting service connection for disabilities claimed as related to CLCW under a presumptive basis. While we may concede exposure to contaminants in the water based on Camp Lejeune service during the period January 1957 to December 1987, this is merely one prong of establishing the need for a medical exam and opinion. The actual grant or denial of service connection is decided on a direct basis.

A review of decisions made on CLCW cases indicated a small number of cases where the language used in the rating decision and notification letter appears to grant or deny conditions under rating practices used for presumptive service connection. This must not be done.

We concede exposure, not presume. The 14 conditions from the ATSDR list have "limited/suggestive evidence of an association with TCE, PCE or a solvent mixture exposure." They are **not** presumed to be related to this exposure. Some examples of this incorrect language include ratings and letters stating:

"Although not shown in service, service connection for prostate cancer with urinary incontinence secondary to exposure to contaminated water at Camp Lejeune has been granted on the basis of presumption." (from a rating decision)

"Veteran has been diagnosed with fatty liver disease (hepatic steatosis), which is on the presumptive list for CLCW." (from a deferred)

"CONDITION (claimed as a result of contaminated water exposure) – Your condition is not one of the chronic diseases that VA presumes is related

to your military service.” (several conditions in one rating and the letter)

Your claimed condition was denied because it does not appear on the list of 14 conditions which VA presumes to have been caused by exposure to contaminated water at Camp Lejeune.” (from a rating decision and letter)

“Therefore, exposure to contaminated water at Camp Lejeune is presumed.” (from a rating decision)

We must ensure neither rating decisions nor letters are released to claimants with any language remotely suggesting presumptive service connection.

As a reminder, CLCW claims will not be rated using SNL. Please see your Coach or Assistant Coach if you have questions.

Semper Ad Excellentiam,
Laura Kuerzi-Rodgers
Veterans Service Center Manager

CONFIDENTIALITY NOTICE

This e-mail transmission is intended only for the personal and confidential use of the recipient(s) designated above. If you are not the intended recipient of this communication (or an agent responsible for delivering it to the intended recipient), you are hereby notified that any review, disclosure or use of the information contained herein is strictly prohibited. If you have received this communication in error, please notify us by telephone, at (b) (6) or by return e-mail, immediately. Thank you.