

From: [Clay, Robert, E. VBALOUV](#)
To: [VAVBALOU/RO/VSC](#)
Cc: [Kuerzi-Rodgers, Laura, VBALOUV](#); [Holtzman, Dean, VBALOUV](#)
Subject: FW: CLCW Rating Issues
Date: Thursday, September 18, 2014 9:16:03 AM

James: Please send the below email to All VSC Employees with a copy to the Coaches, Laura, Dean, and me after removing this sentence.

ALL VSC Employees,

Good morning. Based on questions, we have received, the below information is provided as a clarification to the prior email, which is also contained below.

As you know, there are no presumptive conditions for CLCW exposure. Therefore, there will be no denials on a presumptive basis of CLCW exposure. The decision will hinge on the SME opinion or the evidence provided by the Veteran in order to meet the exam threshold. Essentially, the exam threshold is low as follows:

1. If the Veteran has conceded exposure and a diagnosis of one of the conditions listed in the training letter (which were taken from the NRC study report) or any cancer, then the threshold for requesting the SME opinion is met. The RVSR then makes the grant or denial decision in accordance with the SME opinion and references that opinion appropriately. However, other theories of service connection (e.g. existed in service, manifested within one year of service) must be considered. Additionally, if the Veteran has a condition that is presumptive for other exposures such as AO or GW, and conceded exposure of that type, then these theories must also be considered and addressed.
2. If the Veteran has conceded exposure and a diagnosis of a condition not listed in the training letter and not a cancer, then the Veteran must provide evidence there is a possible link to the CLCW exposure to meet the threshold for a SME opinion. If the threshold is met, then the process in #1 above should be followed. If the threshold for a SME opinion is not met, then the denial basis is that the Veteran failed to provide any evidence of a possible nexus to the exposure. This is still a direct service connection determination and again, other theories of entitlement must be considered and addressed.

If you have questions, please see your Coach or Assistant Coach.

Semper Ad Excellentiam!

Laura
Laura Kuerzi-Rodgers.

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From: Clay, Robert, E. VBALOUV
Sent: Monday, September 15, 2014 15:54
To:
Cc:

Subject: CLCW Rating Issues

All VSC Employees,

During a review of CLCW decisions, it appears the office has autotext (examples shown below) that many decision makers are using, which references the National Research Council (NRC) study.

The National Research Council released a report which found insufficient evidence for either a causal relationship or a positive associated but limited or suggestive evidence of an association between contaminated water and multiple disabilities. Colorectal cancer was not included on this list. There is currently insufficient evidence to establish a plausible link between your condition and contaminants found in the water at Camp Lejeune.

Or

The National Academy of Sciences' National Research Council (NRC) published its article, "Contaminated Water Supplies at Camp Lejeune, Assessing Potential Health Effects" in 2009. This report included a review of studies addressing exposure to the chemicals found to be contaminating the water at Camp Lejeune, and a discussion of disease manifestations potentially associated with such exposure. Fourteen disease conditions were identified as having limited/suggestive evidence of an association with TCE, PCE, or a solvent mixture exposure. They include: esophageal cancer, lung cancer, bladder cancer, kidney cancer, adult leukemia, multiple myeloma, myelodysplastic syndromes, renal toxicity, hepatic steatosis, female infertility, miscarriage with exposure during pregnancy, scleroderma, and neurobehavioral effects.

Effective immediately, do not reference the NRC report/study in your decisions unless the CLCW Subject Matter Expert (SME) medical opinion directly hinges on this report as the basis for the opinion. Most often, the medical opinion has a better rationale that does not rely on this report, which has questionable scientific validity in light of subsequent studies. Therefore, please cease referencing this report and using any autotext that refers to it.

Additionally, we should not state how long the Veteran was on Camp Lejeune, merely state that we have verified your service at Camp Lejeune and, therefore, concede exposure to the contaminated water.

If you have questions, please see your Coach or Assistant Coach.

/s/

Laura

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