



Determining a Nexus

- Review of Scientific/Medical Literature
 - Essentially functioning as an expert witness
 - Judicial requirements of a medical expert are NOT required in VA medical opinion cases
 - Other exposures:
 - OSHA/NIOSH/EPA/ATSDR/ IARC
 - References on Commercial Toxicology
 - Institute of Medicine Reports where applicable



Determining a Nexus

Reasoning

- Must weigh the probative evidence
 - Medical facts in the case for and against a nexus
 - Support in the medical literature or other references for and against a nexus
 - Thought process is important
 - Why you put more weight on some evidence than another
 - If you disagree with a previously rendered opinion explain why



The Medical Opinion

- **Conclusion:**
 - It is more than likely that the claimed condition was caused by the stated event/ exposure/ stressor while on active duty
 - It is at least as likely as not (equipoise) that the claimed condition was caused by the stated event/ exposure/ stressor while on active duty
 - It is unlikely that the claimed condition was caused by the stated event/ exposure/ stressor while on active duty.
- Do not have to state what you believe caused the claimed condition
- “Cannot opine without resorting to speculation”