Presumptive Conditions for U.S. Veterans
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What is a Presumptive Condition?

Over the years, the VA realized there were conditions that were a result of a veteran’s service in a specific location during a specific conflict at a particular time. In 2010, Secretary of Veterans Affairs Eric K. Shinseki announced the Department of Veterans Affairs was taking steps to make it easier for Veterans to obtain disability compensation for certain diseases in the form of the Presumptive Conditions List.

Conditions on the list are “presumed” to be caused by military service even though there may not be definitive medical reasoning to support the connection to the specific veteran. The only information needed to prove entitlement is that the veteran has the specific condition and service in the area at the designated time.
Eligible Locations

To qualify for the Presumptive Conditions List, Veterans must have served in or near certain areas at specific times. Following are the locations that meet the requirements:

- Anywhere in Vietnam or Thailand where Agent Orange was used (1962–1975)
- In or near Korean Demilitarized Zone (1968–1971)
- Within 10 miles of Hiroshima or Nagasaki, Japan (1945–1946)
- Stationed in Paducah, KY, Portsmouth, OH, or K25 at Oak Ridge, Tennessee (1992)
- Amchitka Island, AK (1974)
- Southwest Asia (1990–1991)
- Afghanistan (2001–Present)
Presumptives from Agent Orange

Veterans who served in Vietnam, Thailand, or Korea and were exposed to Agent Orange (AO) are qualified for presumptive conditions. Veterans must have served in Vietnam between January 9, 1962 and May 7, 1975 or in or near the Korean DMZ in herbicide areas between April 1, 1968 and August 31, 1971. “In Vietnam” is classified as ANY TIME on the ground in Vietnam or in the brown waters offshore.

THE 90 DAY RULE DOES NOT APPLY TO VETERANS EXPOSED TO AGENT ORANGE.

Agent Orange conditions/illnesses on the Presumptive list include:

- AL amyloidosis
- Chloracne or other acneform disease similar to chloracne
- Chronic B-cell leukemias (including, but not limited to, hairy-cell leukemia and chronic lymphocytic leukemia)
- Diabetes mellitus (Type 2)
- Hodgkin's disease
- Ischemic heart disease
- Multiple myeloma
- Non-Hodgkin's lymphoma
- Parkinson's disease
- Peripheral Neuropathy, Early-Onset
- Porphyria cutanea tarda
- Prostate cancer
- Respiratory cancers (lung, bronchus, larynx, trachea)
- Soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma)
Non-AO Presumptive
Amyotrophic Lateral Sclerosis (ALS)

Because of the increased rates and likelihood of ALS amongst veterans, ANY veteran who develops ALS at any time after service is eligible for benefits because of the presumptive illness. Unlike with Agent Orange related illnesses, veterans must have served their 90 consecutive days to be eligible for compensation.
Prisoners of War

If a former POW, regardless of the amount of time they were held in captivity, has any of the following conditions, the VA will presume that the condition was caused by their captivity:

- Psychosis
- Dysthymic disorder, or depressive neurosis
- Post-traumatic osteoarthritis
- Any of the Anxiety States
- Cold Injury
- Stroke and complications
- Heart Disease and complications

If a POW was imprisoned for more than 30 days, it is presumed that any of the following conditions were caused by their captivity:

- Avitaminosis
- Chronic Dysentery
- Helminthiasis
- Malnutrition, including associated Optic Atrophy deficiency
- Peptic Ulcer Disease
- Beriberi
- Cirrhosis of the Liver
- Irritable Bowel Syndrome
- Pellagra and any other nutritional deficiency
- Peripheral Neuropathy, except where directly related to infectious causes
Gulf War Illnesses

The VA Presumptive List divides Gulf War conditions into two categories, Gulf War Syndrome and Infectious Diseases. The two classifications have very different conditions regarding qualifications for compensation.
Gulf War Syndrome

The first, and more ambiguous, of the classifications of Gulf War related illnesses is regarding Gulf War Syndrome. Because Gulf War Veterans serving in Southwest Asia began developing random, chronic symptoms that could not be diagnosed, the term Gulf War Syndrome was coined. If a clinical diagnosis can be made, then the symptoms do NOT constitute Gulf War Syndrome.

Veterans must have the chronic symptoms recurring for a period of 6 months before they can be identified with Gulf War Syndrome. Symptoms include:

- Fatigue
- Skin symptoms
- Headaches
- Muscle pain
- Joint pain
- Neurological symptoms
- Mental symptoms
- Respiratory symptoms
- Trouble sleeping
- Cardiovascular symptoms
- Abnormal weight loss
- Menstrual disorders
- Gastrointestinal symptoms
There are other infectious diseases that have been identified on the Presumptive List for veterans who served in Southwest Asia as well as in Afghanistan after September 19th, 2001. These diseases must manifest to 10% or more within in a year of service. These diseases include:

- Brucellosis
- Campylobacter Jejuni
- Coxiella Burnetii (Q fever)
- Malaria (must be manifest to 10% within 1 year or the incubation period must have clearly begun while in Southwest Asia or Afghanistan)
- Tuberculosis (no time limit for manifestation)
- Nontyphoid Salmonella
- Shigella
- Visceral Leishmaniasis, (no time limit for manifestation)
- West Nile Virus
After a lengthy battle with the VA, veterans exposed to contaminated drinking water at Camp Lejeune in North Carolina are eligible to receive presumptive benefits. Veterans must have been stationed there for more than 30 cumulative days between August 1st, 1953 and December 31st, 1987. Thus far, eight diseases are covered:

- Adult leukemia
- Aplastic anemia and other myelodysplastic syndromes
- Bladder cancer
- Kidney cancer
- Liver cancer
- Multiple myeloma
- Non-Hodgkin’s lymphoma
- Parkinson’s disease
“Atomic” Veterans

Atomic Veterans refers to veterans who have been exposed to certain radiation during their time in service. Currently, there are 21 different types of cancer that have been deemed a result of exposure to radiation. The VA has identified locations that may prove that an individual was exposed to radiation:

- Participated in onsite nuclear testing, including presence at the test site, on ships, aircraft or equipment in support of the nuclear test, at the nuclear test site within 6 months after the test, or participated in the decontamination of equipment used during a nuclear test
- Was within 10 miles of Hiroshima or Nagasaki between August 4, 1945 and July 1, 1946
- Was a prisoner of war in Japan within 75 miles of Hiroshima or 150 miles of Nagasaki, worked within those areas, or were repatriated through the port of Nagasaki between August 6, 1945 and July 1, 1946
- Was monitored with a dosimetry badge for radiation exposure on the grounds of a gaseous diffusion plant in Paducah, KY, Portsmouth, OH, or K25 at Oak Ridge, TN for at least 250 days before February 1, 1992
- Performed a job with as much exposure as a dosimetry badge monitor on the grounds of a gaseous diffusion plant in Paducah, KY, Portsmouth, OH, or K25 at Oak Ridge, TN for at least 250 days before February 1, 1992
- Was exposed to radiation from underground nuclear tests on Amchitka Island, AK before January 1, 1974
- Served in the garrison or maintenance forces at Eniwetok from June 21, 1951 to July 1, 1952 or August 7, 1956 to August 7, 1957 or November 1, 1958 to April 30, 1959
Breaking: Potential New Conditions

The VA has been considering adding more Agent Orange related conditions to the presumptive list. These include conditions such as bladder cancer, hypothyroidism, Parkinson's–like symptoms, and high blood pressure. Studies on the conditions and their symptoms are being conducted in the next couple months. If you are a Vietnam Veteran exposed to Agent Orange and have developed one of these conditions, make sure to keep an eye out for the VA’s decisions as you may be eligible for more compensation.

Other non-Agent Orange related illnesses may also be added to the list.
Conclusion

We hope you have enjoyed this e-Book and that the information provided has assisted you in some way.

This is “Breaking News” so remember to keep checking up on the presumptive list as new diseases are being added regularly.

If you have any questions about the presumptive conditions list or want help receiving these benefits from the VA, contact Legal Help for Veterans at 1(800)693-4800 or visit our website www.legalhelpforveterans.com