

SOUTH DAKOTA VETERANS SERVICE OFFICERS ASSOCIATION



Dear Healthcare Provider,

This letter is being provided to you by a veteran who is seeking a written medical opinion regarding a specific condition or conditions they are seeking to have service connected to their military service. Service connection means that the condition in question *at least as likely as not* started during or was aggravated by their military service.

The burden of proof in a Veterans Administration determination of service connection states that an equipoise evaluation is decided in the veteran's favor. In other words, if this condition is equally likely to have started during military service (including exposure that later becomes manifest in a condition) or was aggravated by military service then the decision favors the veteran. There is no burden of proof to definitively demonstrate that it started during service.

If in your opinion this condition is equally likely to have started or been aggravated by their military service, we would request that you use the phrase ***as likely as not*** or ***more likely than not*** started or was aggravated by military service. These phrases are language looked for by the VA when deciding favorably for a veteran's service connection of a condition.

You are not being asked to determine that a condition is due to or known to have been caused by military service since many cases develop years after the exposure or injury. Rather, in your opinion, is there is at least a 50% chance that military service was a factor or was as likely as any other factor to have caused the condition? If affirmative, it should be expressed using one of the following phrases presented in order of strength:

1. "is due to" (100% sure)
2. "is more likely than not" (greater than 50%)
3. "is at least as likely as not" (equal to or greater than 50%)

An example might read "John served in Vietnam during the Vietnam War. A liver fluke in Southeast Asia is credited with causing the regions high number of cases of the otherwise rare cholangiocarcinoma cancer. John has no other risk factors for developing cholangiocarcinoma therefore it is my opinion that his service in Vietnam and exposure to this liver fluke more likely than not is the cause of his condition."

Service connection of a condition may result in several benefits for the veteran and surviving dependent family members. We appreciate your careful consideration to this important topic. If you have questions, please contact the veterans' VSO or the undersigned.

Respectfully,

South Dakota Veterans Service Officers Association

605-347-7623