

DEPARTMENT OF VETERANS AFFAIRS
Houston Regional Office 6900 Almeda Road.
Houston Texas 77030

MAR 09 2011

In Reply Refer To:

Dear Mr.

We made a decision on your claim for service-connected compensation received on August 30, 2010.

This letter tells you what we decided. It includes a copy of our rating decision that gives the evidence used and reasons for our decision. We have also included information about what to do if you disagree with our decision, and who to contact if you have questions or need assistance.

What We Decided

We determined that the following condition was not related to your military service, so service connection couldn't be granted:

Medical Description

We have enclosed a copy of your Rating Decision for your review. It provides a detailed explanation of our decision, the evidence considered, and the reasons for our decision. Your Rating Decision and this letter constitute our decision based on your claim received on August 30, 2010. It represents all claims we understood to be specifically made, implied, or inferred in that claim.

What You Should Do If You Disagree With Our Decision

If you do not agree with our decision, you should write and tell us why. You have *one year from the date of this letter to appeal the decision*. The enclosed VA Form 4107, *"Your Rights to Appeal Our Decision,"* explains your right to appeal.

**DEPARTMENT OF VETERANS AFFAIRS
VA Regional Office, Houston, TX 6900
Almeda Rd Houston, TX 77030**

VA File Number

**Represented by: TEXAS VETERANS
COMMISSION**

Rating Decision March 7, 2011

INTRODUCTION

The records reflect that you are a veteran of the Vietnam Era. You served in the Army from June 1, 1971 to May 31, 1974. You filed a new claim for benefits that was received on August 30,2010. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

Service connection for hepatitis C is denied.

EVIDENCE

- Service treatment records from June 1, 1971 through May 31, 1974
- Treatment reports from Luling Community Health Center dated June 10,2010
- Veterans Claims Assistant Act (VCAA) letter dated September 27,2010
- Statement from **(redacted)** dated October 5, 2010

- VA examination from VAMC San Antonio TX dated February 11, 2011
- Electronic outpatient treatment reports from central Texas Veterans Health Care System from December 7, 2010 through March 1, 2011

REASONS FOR DECISION

Service connection for hepatitis C.

Direct service connection may be granted only when a disability was incurred or aggravated in line of duty, and not the result of the veteran's own willful misconduct. Further, an injury or disease incurred during active military, naval, or air service is not considered to have been incurred in line of duty if such injury or disease was the result of the abuse of alcohol or drugs.

Your service treatment records were reviewed and considered. Your records were negative for any complaints or treatment of a hepatitis C condition. Your records do show that you were treated 6 times for sexually transmitted diseases in 1973. Private treatment records from Luling Community Health Center showed a diagnosis of hepatitis C with an onset date of December 8, 2009. However, these records do not establish a relationship between your current condition and your military service. Statement from **(redacted)** dated October 5, 2010 stating that she believes that you contracted Hepatitis C while in military service. Your outpatient treatment reports showed a diagnosis of hepatitis C and the risk factor was a blood transfusion. However, your service treatment records are negative for any blood transfusion while in military service. Your VA examination showed that the examiner reviewed your file and opines that hepatitis C is due to or a result of high risk sexual activity while in the Army. The examiner stated that sexual intercourse with persons who may be infected with Hepatitis C (prostitutes, IV drug users) is a documented risk factor for this infection

The transmission of this virus is often associated with the transmission of other sexually transmitted diseases. Due to the high risk sexual activity documented in service treatment records, it is likely that Hepatitis C had its onset and was acquired while you were in the Army. A letter was sent to you in accordance with the Veterans Claims Assistance Act of 2000 informing you of the statutory requirements in order to establish entitlement to service connection for your claimed disabilities, including request for current treatment records showing a relationship between your condition and your military service or treatment records within a year of your discharge from active duty. As of this date we have not received a response establishing a relationship between your current condition and your military service. Service connection for hepatitis C is denied because it was not incurred or aggravated in the line of duty; and/or, it was incurred or aggravated as a result of the veteran's own willful misconduct.

REFERENCES:

Title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans' Relief contains the regulations of the Department of Veterans Affairs which govern entitlement to all veteran benefits. For additional information regarding applicable laws and regulations, please consult your local library, or visit us at our web site, www.va.gov.

