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**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](http://www.va.gov).

