



BOARD OF VETERANS' APPEALS

FOR THE SECRETARY OF VETERANS AFFAIRS

IN THE APPEAL OF

Represented by
Gordon A. Graham, Agent

Docket No. 250316-527332

DATE: January 12, 2026

ORDER

Entitlement to service connection for major depressive disorder (MDD), secondary to hepatitis C, on a causation basis, is granted.

FINDING OF FACT

The evidence is at least evenly balanced as to whether the Veteran's MDD is caused by his service-connected hepatitis C.

CONCLUSION OF LAW

With reasonable doubt resolved in favor of the Veteran, the criteria for service connection for MDD, secondary to hepatitis C, on a causation basis, are met. 38 U.S.C. §§ 1110, 5107; 38 C.F.R. §§ 3.102, 3.303, 3.310.

REASONS AND BASES FOR FINDING AND CONCLUSION

The Veteran served on active duty from May 1972 to January 1979, from December 1990 to July 1991, and from October 2000 to March 2001.

This case comes before the Board of Veterans' Appeals (Board) from a February 2025 rating decision of the Department of Veterans Affairs (VA) Regional Office (RO), which denied entitlement to service connection for MDD.

In a February 2025 Decision Review Request: Board Appeal (Notice of Disagreement) (VA Form 10182), the Veteran timely appealed the February 2025 rating decision to the Board and requested direct review of the evidence considered by the RO. 38 C.F.R. § 20.202. As the Veteran has selected the Direct Review docket, the Board may consider only the evidence of record at the time of the agency of original jurisdiction (AOJ) decision on the issue or issues on appeal. 38 U.S.C. § 7113(a); 38 C.F.R. § 20.301. The Board will not consider evidence added to the record after the date of February 2025 rating decision on appeal. If evidence was added during this ineligible period, the Board did not consider it. If the Veteran wishes to have VA consider any evidence that was not considered, he may at any time file a supplemental claim with the AOJ after receiving this decision and the additional evidence will be considered in connection with the supplemental claim. 38 U.S.C. §§ 5104C(a)(1)(B), (b); 5108; 38 C.F.R. §§ 3.2501, 20.1105(a). If filed within one year, this supplemental claim will preserve the date of the claim denied herein as the effective date of the grant of the benefit or benefits sought. 38 U.S.C. § 5110(2)(B); 38 C.F.R. § 3.2500(h).

MDD

Service connection may be established on a secondary basis for a disability that is proximately due to or the result of a service-connected disease or injury. 38 C.F.R. § 3.310(a). Establishing service connection on a secondary basis requires evidence sufficient to show (1) that a current disability exists and (2) that the current disability was either (a) caused by or (b) aggravated by a service-connected disease or injury. 38 C.F.R. § 3.310(a),(b).

An October 2025 VA psychologist diagnosed the Veteran with MDD. Thus, a current disability has been demonstrated. *Martinez-Bodon v. Wilkie*, 32 Vet. App. 393, 404 (2020), *aff'd sub nom. Martinez-Bodon v. McDonough*, 28 F.4th 1241,

1247 (Fed. Cir. 2022) (a valid DSM-5 diagnosis is required to warrant compensation for a psychiatric disability).

The remaining question is whether the Veteran's current MDD was caused by his service-connected hepatitis C.

An October 2024 VA psychologist opined the Veteran's MDD is most likely proximately due to or the result of his service-connected hepatitis C. The VA psychologist explained "It is known that medical conditions often lead to and/or exacerbate psychiatric conditions." The VA psychologist's opinion is based on the Veteran's competent and credible reporting and is consistent with the evidence of record and is therefore afforded some probative weight. *See Monzingo v. Shinseki*, 26 Vet. App. 97, 106 (2012) (the fact that the rationale provided by an examiner "did not explicitly lay out the examiner's journey from the facts to a conclusion," did not render the examination inadequate); *Acevedo v. Shinseki*, 25 Vet. App. 286, 294 (2012) (medical reports must be read as a whole and in the context of the evidence of record). Moreover, there is no contrary opinion of record.

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The above evidence is sufficient to decide the claim. The Veteran is in receipt of service connection for hepatitis C and there is evidence reflecting that this disability caused his MDD. The evidence is thus at least evenly balanced as to whether his MDD is proximately due to his hepatitis C. As the reasonable doubt created by this relative equipoise in the evidence must be resolved in favor of the Veteran, entitlement to service connection for MDD on a secondary basis is warranted. 38 U.S.C. § 5107(b); 38 C.F.R. § 3.102. As the Veteran's claim is being granted in full on a secondary basis, consideration on a direct basis is unnecessary.



David Gratz
Veterans Law Judge
Board of Veterans' Appeals

Attorney for the Board

J. Miller, Counsel

The Board's decision in this case is binding only with respect to the instant matter decided. This decision is not precedential and does not establish VA policies or interpretations of general applicability. 38 C.F.R. § 20.1303.