



LEGAL NEWS UPDATE – JANUARY 2012

1. VA has released over 70 new Disability Benefit Questionnaires to be used by both VA and private physicians as evidence in disability benefits claims. The forms are listed by condition and are available at:
<http://benefits.va.gov/TRANSFORMATION/dbqs/ListByCondition.asp>
2. The Federal Circuit issued an opinion in *National Organization of Veterans' Advocates v. Secretary of Veterans Affairs*, upholding the validity of the revised version of 38 C.F.R. 3.304(f), which is the regulation governing verification of PTSD stressors. Specifically, this regulation says

If a stressor claimed by a veteran is related to the veteran's fear of hostile military or terrorist activity and a **VA psychiatrist or psychologist, or a psychiatrist or psychologist with whom VA has contracted**, confirms that the claimed stressor is adequate to support a diagnosis of posttraumatic stress disorder and that the veteran's symptoms are related to the claimed stressor, in the absence of clear and convincing evidence to the contrary, and provided the claimed stressor is consistent with the places, types, and circumstances of the veteran's service, the veteran's lay testimony alone may establish the occurrence of the claimed in-service stressor.

The issue with this regulation was that it required stressor verification to come by a VA psychiatrist or psychologist only – and NOT from a private doctor. The Court upheld this regulation as reasonable.

3. VA has added 47 ships to the list of ships that are considered to have been exposed to Agent Orange in Vietnam for VA benefits purposes. The complete list of ships can be found at: <http://www.publichealth.va.gov/exposures/agentorange/shiplist/list.asp>
4. The CAVC issued a decision in *Quattlebaum v. Shinseki*, finding that an accrued benefits claim can be reopened with new and material evidence.

http://www.uscourts.cavc.gov/documents/Quattlebaum_09-3557_published_opinion_1-5-2012.pdf
5. For veterans who served in SW Asia during the Persian Gulf War: VA issued a new rule extending the period for compensation for certain disabilities due to undiagnosed illnesses and medically unexplained chronic multi-symptom illnesses. The date for an illness to have been manifested previously was December 31, 2011 – and this rule extends that date to December 31, 2016.