

100% disability for multiple myeloma

EVIDENCE

* VA Form 20-0995, Decision Review Request - Supplemental Claims, received November 22, 2023

* Article: Veterans Administration cites PFAS contamination and awards 100% disability to

Fort Ord Veteran suffering from colon cancer, received 100% award November 22, 2023

☒ Toxic Exposure Risk Activities (TERA) Memorandum, received November 30, 2023
☒ VA Hematologic and Lymphatic Conditions, including Leukemia contract examination and medical opinion through Veterans Evaluation Services (VES), conducted December 8, 2023
☒ Service Treatment Records, received April 13, 2021, for the period June 11, 1976 to June 11, 1980

* Service Personnel Records, received April 13, 2021, for the period June 11, 1976 to June 11, 1980

☒ Cleveland VA Medical Center treatment records, for the period February 20, 2020 to November 2, 2023

REASONS FOR DECISION

1. Service connection for multiple myeloma.

Service connection for multiple myeloma has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304) We considered whether your condition resulted from a toxic exposure risk activity (TERA) in service. (38 U.S.C. 1168, 38 U.S.C.) The evidence of record shows participation in a TERA. You had a bone marrow biopsy in June 2019 which showed a diagnosis of multiple myeloma. Your VA hematologic and lymphatic conditions examination on December 8, 2023 confirmed the diagnosis of multiple myeloma that is symptomatic. The examiner opined that your multiple myeloma is at least as likely as not that your multiple myeloma was incurred due to the synergistic, combined effect of all your toxic exposure risk activities. They stated that the EPA placed Fort Ord on the Superfund program's national priorities list after explosives and cleaning chemicals contaminated the surface soil and groundwater. They stated that multiple myeloma has been linked to contaminated water. PFAS exposure was found in the ground/soil at Fort Ord. PFAS exposure has been linked to causing

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multiple myeloma. ☒

The effective date of this grant is November 22, 2023. Service connection has been established from the day VA received your claim. When a claim of service connection is received more than one year after discharge from active duty, the effective date is the date VA received the claim.

☒(38 CFR 3.400)

A claimant may continuously pursue a claim by timely and properly filing a supplemental claim.☒

☒"Timely" means the supplemental claim is submitted within one year of the VA decision. ☒"Properly" means VA form 20-0995, Decision Review Request: Supplemental Claim, is completed and submitted along with new and relevant evidence. (38 CFR 3.2500, 38 CFR ☒3.2501)

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If the claim is not continuously pursued and benefits are granted, the effective date will be the date entitlement arose, but will not be earlier than the date of receipt of the supplemental claim currently under review. (except as otherwise provided by other regulations including 38 CFR 3.400)

An evaluation of 100 percent is assigned from November 22, 2023.

We have assigned a 100 percent evaluation for your multiple myeloma based on: o Symptomatic multiple myeloma

The 100 percent evaluation shall continue for five years after the diagnosis of symptomatic multiple myeloma, at which time the appropriate disability evaluation shall be determined by mandatory VA examination. Any reduction in evaluation based upon that or any subsequent examination shall be subject to the provisions of 3.105(e) and 3.344 (a) and (b) of this chapter.

This is the highest scheduler evaluation allowed under the law for multiple myeloma. (38 CFR 4.117)

Since there is a likelihood of improvement, the assigned evaluation is not considered permanent and is subject to a future review examination. (38 CFR 3.327, 38 CFR 3.344) The 38 code of federal regulations 4.117 requires a mandatory VA examination 5 years after the diagnosis of symptomatic multiple myeloma.

2. Service connection for acquired hemolytic anemia and immune thrombocytopenia as secondary to the service-connected disability of multiple myeloma.

Service connection for acquired hemolytic anemia and immune thrombocytopenia has been established as related to the service-connected disability of multiple myeloma. (38 CFR 3.303, 38 CFR 3.310) The examiner of your hematologic and lymphatic conditions examination stated that you have a diagnosis of hemolytic anemia and immune thrombocytopenia that is asymptomatic. They stated that your anemia and immune thrombocytopenia is caused by treatment for multiple myeloma.

The effective date of this grant is November 22, 2023. Service connection has been established from the day VA received your claim. When a claim of service connection is received more than one year after discharge from active duty, the effective date is the date VA received the claim.

(38 CFR 3.400)

A noncompensable evaluation is assigned from November 22, 2023.

We have assigned a noncompensable evaluation for your acquired hemolytic anemia based on:

- Asymptomatic (38 CFR 4.31)

A higher evaluation of 10 percent is not warranted for acquired hemolytic anemia unless the evidence shows:

- ☒ Requiring one course of immunosuppressive therapy per 12-month period. (38 CFR 4.117)