



CMC
7/29/2013

DEPARTMENT OF VETERANS AFFAIRS
Appeals Management Center
1722 Eye Street NW.
Washington, D.C. 20422

PHILLIP C. CACIOPPO

VA File Number
26 611 325

Represented By:
VETERANS OF FOREIGN WARS OF THE US

Rating Decision
July 26, 2013

INTRODUCTION

The records reflect that you are a veteran of the Vietnam Era. You served in the Air Force from July 26, 1967 to March 19, 1971. The Board of Veterans Appeals remanded the case to our office on July 16, 2012. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

Service connection for Waldenstrom's macroglobulinemia is granted with an evaluation of 100 percent effective December 17, 2007.

EVIDENCE

- O36 Exposure to herbicides, received on April 17, 2013
- Request for Special Report, received on July 23, 2013
- Trapper Keeper from Vet with evidence, received on September 18, 2012
- letter from Vet, received on August 22, 2012
- Vet reply - meds, STR/pers records, received on May 13, 2013
- Compensation and Pension Service Report , requested on July 26, 2012 was not received

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- mo1, 019 smrs, received on January 17, 2008
- Herbicide exposure Verification review by JSRRC coordinator dated July 26, 2013
- Multiple Lay Statements from fellow service members, Antonio LeonGuerrero, Patrick Kimmen
- Medical Opinion from C. W. Stone, Staff Oncologist, Kansas City VAMC

REASONS FOR DECISION

Service connection for Waldenstrom's macroglobulinemia.

Service connection may be granted for specific diseases or conditions which are presumed to have been caused by service if manifested to a compensable degree following military discharge. Although not shown in service, service connection for Waldenstrom's macroglobulinemia has been granted on the basis of presumption.

Pursuant to the authority granted by the Agent Orange Act of 1991, VA may determine that a presumption of service connection based on exposure to herbicides used in Vietnam is warranted for conditions that VA has found to have a statistically significant association with such exposure.

As such, VA has determined that a statistically significant association exists between exposure to herbicides and subsequent development of the following conditions: chloracne, non-Hodgkin's lymphoma, soft tissue sarcoma, Hodgkin's disease, porphyria cutanea tarda (PCT), multiple myeloma, acute and subacute peripheral neuropathy, prostate cancer, cancers of the lung, bronchus, larynx, trachea, Type II (adult-onset) diabetes mellitus, chronic lymphocytic leukemia, AL amyloidosis, Parkinson's disease, Ischemic heart disease, and B-cell leukemias, such as hairy cell leukemia.

For purposes of this review, we have conceded your your exposure to herbicide agents while stationed in Thailand at U-Tapao RTAFB. Our review of the multiple lay statements and military and VA documents contained within your claims folder provided us with enough credible evidence to determine you conducted military duties near the air base perimeter.

You are currently being followed by the Oncology Department at the Kansas City VAMC. You are under the care of C.W. Stone, Staff Oncologist and are in a "active observsation" for the treatment and monitoring of this condition.

An evaluation of 100 percent is assigned from December 17, 2007, the date we received your original claim for benefits.

We have assigned a 100 percent evaluation for your Hodgkin's disease based on:

- Active disease

This is the highest schedular evaluation allowed under the law for Hodgkin's disease.

The 100 percent rating shall continue beyond the cessation of any surgical, radiation, antineoplastic chemotherapy or other therapeutic procedures. Six months after discontinuance of such treatment, the appropriate disability rating shall be determined by mandatory VA examination. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of 38 CFR §3.105(e). If there has been no local recurrence or metastasis, rate on residuals.

Since there is a likelihood of improvement, the assigned evaluation is not considered permanent and is subject to a future review examination.

This rating decision represents a total grant of benefits sought on appeal for this issue. As such, this issue is considered resolved in full.

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.