

Service Connection Explained

You have probably heard the term service connection and have a good idea what it means; you might even have a service-connected disability. But, it isn't always that easy to understand.

In its simplest form, service connection is an official recognition of a disability or disease because of military service. However, there are four types of service-connection, and not all of them occur while in the military.

DIRECT

This type is what comes to mind when you first hear the term. For example, John, a Vietnam veteran, received a gunshot wound to his back when he was involved in combat. His injury is a direct result of his military experience.

Another common type of injury that can be service-connected in a direct manner is when a service member is hurt in an automobile accident. Bill was home on leave, awaiting deployment to Iraq, when he was struck from behind by another driver, resulting in a sever spinal cord injury (SCI).

In these types of incidents, the branch of service conducts a "Line of Duty" determination. When in the military, you are on duty 24/7, even while on leave. In Bill's case, the accident report showed he was not at fault and was not doing anything illegal or unsafe.

But what if Bill had used alcohol or drugs? What if, instead of going to the store, he was drag racing? It could be determined his injuries were "not in the line of duty" and the result of his own "willful misconduct." Bill may then be neither service-connected nor compensated for his injuries.

SECONDARY SERVICE CONNECTION

This type requires that a veteran already have a service-connected disability, and the secondary disability is the result of it. For example, Tom lost his left leg just above the knee after a roadside bomb in Mosul in 2003, and he was fitted with a prosthetic leg and discharged. He filed his original claim with the Department of Veterans Affairs (VA) and was granted service connection for his amputation.

Years later, Tom was diagnosed with chronic arthritis of the right knee. His orthopedic doctor determined the arthritis was a consequence of the extreme wear and tear placed on the knee as a result of the amputation of the other leg. Tom may then be granted secondary service connection for the knee.

AGGRAVATED

Of the four types, this might be the hardest to understand and the most difficult to prove. When a person enlists in the military, regulations are in place that assume that person is completely healthy in mind and body. Any irregularities are noted at the time the individual takes the oath and goes to boot camp. Any increase in severity of a non-service connected disease and not due to the natural progression of the disease will be considered service connected.

For example, Gerry played football and basketball and ran track. During his senior year of high school, he tore a ligament in his right knee. After surgery, he healed and even played basketball for two years at the local junior college.

When Gerry enlisted in the Army, his previous injury was noted and he was cleared to go to boot camp. The torn ligament is considered a pre-existing injury as far as the Army – and later, the VA – is concerned.

While on maneuvers in Germany, Gerry fell down a muddy slope and twisted his right leg. The result was a compound fracture of his knee that didn't heal well, and Gerry must wear a brace for the rest of his life.

The Army and VA determined the injury was pre-existing and was the result of his torn ligament many years earlier. The fall down the slope didn't aggravate his knee any worse than what would have been expected due to his age and the previous damage to his knee. PVA successfully argued the fracture to Gerry's knee was a new and distinct injury, not related to his previous ligament injury.

Because of the way the aggravated service connection is treated, it is always best to try to get the claim won as a direct service connection instead. Why? In the case of a pre-existing injury, it must be determined how disabling the injury was prior to entering the military and how disabling it is *now*. If VA determines there was a level of pre-existing disability, it will reduce any compensation by that amount.

PRESUMPTIVE

This involves a disease that occurred after military service but had its origins while the person was in the military. A perfect example of this is multiple sclerosis (MS).

Current VA regulations allow a seven-year presumptive period. This means development of the disease within seven years of military service will be considered service connected. MS has one of the most liberal presumptive periods; most are one or two years.

In all cases, you must have served under "other than dishonorable" conditions to have your injury or disease considered service connected. If you have any questions about service connection or want to get your service connection to a higher percentage, contact your local [PVA service officer](#).

Contact for this article: davep@pva.org or PVA Veterans Benefits Department, 800-424-8200.

By Dave Parkinson, Copyright 2009, Paralyzed Veterans of America, by permission of PN magazine (December 2009).