



National Veterans Affairs and Rehabilitation Commission

1608 K Street, N.W. • Washington, D.C. 20006

K. Robert Lewis, Chairman - Connecticut

Peter S. Gaytan, Director - Maryland

35-08

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Interim final rule eliminates the need to develop evidence of occurrence of an in-service stressor in claims in which the veteran's posttraumatic stress disorder (PTSD) is diagnosed during service

Effective October 29, 2008, title 38 Code of Federal Regulations, regarding service connection for PTSD, is amended as follows:

§ 3.304 Direct service connection; wartime and peacetime.

(f) Posttraumatic stress disorder. Service connection for posttraumatic stress disorder requires medical evidence diagnosing the condition in accordance with § 4.125(a) of this chapter; a link, established by medical evidence, between current symptoms and an in-service stressor; and credible supporting evidence that the claimed in-service stressor occurred. The following provisions apply to claims for service connection of posttraumatic stress disorder diagnosed during service or based on specified in-service stressors:


(1) If the evidence establishes a diagnosis of posttraumatic stress disorder during service and the claimed stressor is related to that service, in the absence of clear and convincing evidence to the contrary, and provided that the claimed stressor is consistent with the circumstances, conditions, or hardships of the veteran's service, the veteran's lay testimony alone may establish the occurrence of the claimed in-service stressor.

This modification was made in recognition of the fact that the Department of Veterans Affairs (VA) has found, based on claims submitted since September 11, 2001, that service members are increasingly being diagnosed with PTSD while still in service, rather than after discharge from service. The increased incidence of in-service diagnoses of PTSD is attributable to advances in medicine and increased monitoring of service members' mental health by the service departments. Given the ability to more quickly diagnose PTSD and the proximity between an in-

service diagnosis of PTSD and the claimed occurrence of the stressor, VA no longer believes it is necessary to require evidence corroborating occurrence of the stressor in claims based on an in-service diagnosis. This interim final rule applies to claims pending before VA on the effective date of this rule as well as to claims filed after that date.

VA believes that this change will contribute to faster processing of PTSD claims by eliminating the need to develop evidence of occurrence of an in-service stressor in claims in which the veteran's PTSD was diagnosed during service. PTSD claims based on post service diagnosis of PTSD will continue to require credible supporting evidence of the occurrence of the claimed in-service stressor.

Please direct any questions or concerns to Steve Smithson, Deputy Director for Claims Service, VA&R, at ssmithson@legion.org or (202) 263-2985.



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