

THE AMERICAN LEGION, DEPARTMENT OF MICHIGAN

RESOLUTION: 04-9-C  
SUBMITTED BY: American Legion National Headquarters  
SUBJECT: Support Presumption of Service Connection for Hepatitis C

**RESOLUTION**

- WHEREAS, Hepatitis C is an easily transmittable blood-borne virus, which can result in long-term, potentially fatal health problems; and
- WHEREAS, Because of the exposure risk factors directly related to military service, veterans have a much higher incidence of hepatitis C than the general population; and
- WHEREAS, VA estimates 10 to 20 percent of veterans currently have hepatitis C, compared to under 2 percent for the general population; and
- WHEREAS, Vietnam veterans are the group most directly affected by the hepatitis C virus; and
- WHEREAS, Many veterans who contracted hepatitis C 25 or 30 years ago or more in service are now showing signs of severe liver disease and 52 percent of the liver transplants done by VA are for veterans with hepatitis C; and
- WHEREAS, In 85 percent of cases, no acute symptoms would have shown up at the time of infection with hepatitis C; and
- WHEREAS, Military training and combat situations offer many opportunities for transmitting the blood-borne hepatitis virus through blood to blood contact; and
- WHEREAS, No effective blood test for hepatitis C was available until 1992; and
- WHEREAS, Veterans with hepatitis C who were treated for acute hepatitis during military service and who now claim service connection are generally denied by VA, because they cannot prove the current hepatitis C is related to the hepatitis noted in service; and

WHEREAS,

The Board of Veterans' Appeals often rejects claims for service connection for hepatitis C, because the veteran's medical records do not show the presence of hepatitis C at time of discharge from service; and

WHEREAS,

Because of the nature of this disease and the long latency period, veterans who experience certain exposure risk factors in service, such as: blood transfusion prior to 1992; exposure to blood on or through the skin or mucous membrane; hemodialysis; experience of a needle-stick accident or medical event involving a needle, not due to the veteran's willful misconduct; a diagnosis of unexplained liver disease in service; experience of an unexplained liver dysfunction or abnormal liver test; or duty as a health-care position or specialty as prescribed by the Secretary of Veterans Affairs; should be accorded a statutory presumption for the purpose of establishing entitlement to service connection for hepatitis C; and

WHEREAS,

Service connection for hepatitis C is important to veterans and their families, since it entitles the veteran to compensation for any disability related to the disease as well as necessary medical care; now, therefore, be it

RESOLVED,

That The American Legion strongly urge the Department of Veterans Affairs to expeditiously promulgate regulations providing for presumptive service connection for hepatitis C; and, be it further

RESOLVED,

That The American Legion support legislation to provide for a statutory presumption of service connection for hepatitis C under certain conditions in service; and, be it finally

RESOLVED,

That the Department of Veterans Affairs provide regular notification to Congress, the veterans service organizations, and veterans on new treatment modalities for hepatitis C.