### Section E. Claims Based on Service in Southwest Asia

#### Overview

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| In This Section | This section contains the following topics: |

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| Topic | Topic Name |
| 1 | Developing Claims Based on Southwest Asia Service |
| 2 | Examinations in Claims Based on Southwest Asia Service |

#### 1. Developing Claims Based on Southwest Asia Service

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| Introduction | This topic contains information on developing Southwest Asia claims, including   * action to take when the Veteran alleges exposure to environmental hazards but claims no disability * initial development action on a new Southwest Asia service claim * an exhibit of the Section 5103 notice letter attachment for Southwest Asia claims * verifying Southwest Asia service using *DD Form 214, Certificate of Release or Discharge from Active Duty* * requesting service department records in a Southwest Asia claim * requesting medical evidence in claims under 38 CFR 3.317, and * considering whether to clarify or corroborate lay statements |

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| Change Date | November 5, 2015 |

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| a. Action to Take When the Veteran Alleges Exposure to Environmental Hazards but Claims No Disability | A claim is not substantially complete if a Veteran alleges exposure to environmental hazards during service, but does not identify the medical condition or symptom for which service connection (SC) is claimed. In cases such as these   * inform the Veteran that he/she *must* identify a specific disability, since exposure in and of itself is not a disability, and * ask the Veteran to identify the disability(ies) that resulted from exposure to environmental hazards during service.   ***Important***:   * Do not process the claim as a denial. * Whenever possible, telephone the Veteran to obtain the information needed to substantiate the claim.   ***References***: For more information on   * substantially complete claims and handling an incomplete claim, see M21-1, Part I, 1.B.1, and * claims due to specific environmental hazards in Iraq, Afghanistan, and other military installations, see * M21-1, Part IV, Subpart ii, 2.C.5, and * M21-1, Part IV, Subpart ii, 1.I. |

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| b. Initial Development Action on a New Southwest Asia Service Claim | When preparing the Section 5103 notice for any new claim for SC for a qualifying disability under [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=f229d024585f9c6198819439ad4a0419&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317) resulting from service in Southwest Asia   * use the Gulf War special issue paragraphs in the Veterans Benefits Management System (VBMS) to request * record(s) of the earliest manifestation of the illness * dates of service in Southwest Asia, if not already of record, and * information on whether the Veteran participated in the Veterans Health Administration (VHA) Gulf War Registry Health Examination, and * ensure that the VBMS attachment, “Submitting Evidence for Claims About Gulf War Undiagnosed Illnesses,” is enclosed.   ***Note***: If multiple joint and/or muscle pain is alleged, request that the Veteran specify the joints and/or area(s) affected.  ***References***: For more information on   * an exhibit of the VBMS attachment “Submitting Evidence for Claims About Gulf War Undiagnosed Illnesses,” see M21-1, Part IV, Subpart ii, 1.E.1.c * rating claims for SC for disabilities associated with service in Southwest Asia, see M21-1, Part IV, Subpart ii, 2.D, and * duty to notify under [38 U.S.C. 5103](https://www.law.cornell.edu/uscode/text/38/5103), see M21-1, Part I, 1.B. |

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| c. Exhibit: Section 5103 Notice Letter Attachment for Southwest Asia Claims | **Submitting Evidence for Claims About Gulf War Undiagnosed Illnesses**  **MEDICAL EVIDENCE YOU MAY SUBMIT**   * Any medical evidence you have from the time you began active duty in the Gulf War area. These are things like your complete service medical records or anything else you have showing medical treatment while in the Gulf War area. * Any medical evidence you have from the time you left the Gulf War area. This includes reports or statements from doctors, hospitals, laboratories, medical facilities, or mental health clinics, x-rays, physical therapy records, and so on. * Medical statements should show dates of examination or treatment, findings, and diagnoses. Doctor's statements should also state when the doctor first noticed your disabilities, how they appeared, and how long they lasted. * If you have participated in a Gulf War Health Registry Examination, please let us know when the examination took place and which VA Medical Center conducted the examination.   **NONMEDICAL EVIDENCE YOU MAY SUBMIT**   * Any evidence which is written or can be verified. Things which can help us with your claim include records or reports of * time you lost from work * changes in your physical appearance * changes in your physical abilities, and * changes in your mental or emotional attitude. * We can also use statements from persons who knew you during the Gulf War or after your military service. * This person should have personal knowledge of your disabilities. Each person should submit a statement on the enclosed VA Form titled *Statement in Support of Claim* or a letter with the following statement above the signature: * I hereby certify that the information I have given is true to the best of my knowledge and belief. * The person's name and complete address must be clearly shown. Identify the statement with your name and VA file number. * The statement should describe exactly what the person observed and mention specific dates and places. * A person on active duty at the time should include his or her service number and military unit.   Toll-free Gulf War Information Helpline at 1-800-PGW-VETS |

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| **d. Verifying Southwest Asia Service Using DD Form 214** | Use the table below when reviewing the Veteran’s *DD Form 214, Certificate of Release or Discharge from Active Duty* for verification of Southwest Asia service. |

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| **If the *DD Form 214* shows …** | **Then consider …** |
| * service in Southwest Asia with exact dates listed in remarks section * Iraq Campaign Medal, or * Kuwait Liberation Medal | service in Southwest Asia verified. |
| Southwest Asia Service Medal | service in Southwest Asia potentially verified.  ***Important***: Review the *DD Form 214* and/or personnel records to ensure that this medal was not awarded solely for service in Israel, Egypt, Turkey, Syria, or Jordan (including the airspace above and the territorial waters) from January 17, 1991, through November 30, 1995. |
| Global War on Terrorism Service/Expeditionary Medal | * service in Southwest Asia ***not*** verified, and * request service personnel records, if not already of record, for verification of Southwest Asia service.   ***Reference***: For more information on procedures for locating and obtaining personnel records see,   * M21-1, Part III, Subpart iii, 2.D, and * M21-1, Part III, Subpart iii, 2.B. |
| Afghanistan Campaign Medal | * service in Afghanistan verified for the sole purpose of a claim for presumptive SC for infectious diseases listed under [38 CFR 3.317(c)](http://www.ecfr.gov/cgi-bin/text-idx?SID=9455393d1e81372be32a98bc63592566&mc=true&node=se38.1.3_1317&rgn=div8), and * Southwest Asia service *not* verified for the purpose of compensation for undiagnosed illness or medically unexplained chronic multi-symptom illnesses. |

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| ***Reference***: For more information on locations considered as Southwest Asia theater of operations, see   * 38 CFR 3.317(e)(2), and * M21-1, Part IV, Subpart ii, 2.D.1.f. |

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| e. Requesting Service Department Records in a Southwest Asia Claim | In addition to service treatment records (STRs), request   * clinical records, if the Veteran furnishes information on the application about specific inpatient treatment, and * service personnel records, if the dates of service in Southwest Asia during the Gulf War period that began on August 2, 1990, are not already of record.   ***Note***: Concurrently request clinical records, service personnel records, and STRs, if all are needed.  ***Reference***: For more information on requesting clinical records, service personnel records and STRs, see M21-1, Part III, Subpart iii, 2.B. |

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| f. Requesting Medical Evidence in Claims Under 38 CFR 3.317 | Request reports of all private and Department of Veterans Affairs (VA) medical treatment that is indicated by the Veteran, both during and after service, including records such as   * statements or reports from * doctors * hospitals * laboratories * medical facilities, and * mental health clinics * x-rays, and * physical therapy records.   ***Note***: If the Veteran indicates that a Gulf War Registry Health examination has been conducted, request the examination report from the appropriate medical facility.  ***Reference***: For more information on determining whether an examination is necessary in a claim under [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317), see M21-1, Part IV, Subpart ii, 1.E.2. |

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| g. Considering Whether to Clarify or Corroborate Lay Statements | Unless there is reason to doubt the credibility of a lay statement, do not develop to corroborate it.  ***References***: For more information on   * competency and credibility of evidence, see M21-1, Part III, Subpart iv, 5.2, and * evaluating lay evidence, see M21-1, Part III, Subpart iv, 5.6. |

#### 2. Examinations in Claims Based on Southwest Asia Service

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| Introduction | This topic contains information on examinations in claims based on Southwest Asia service, including   * when a Gulf War examination is necessary * impact of known clinical diagnoses on whether a Gulf War exam is necessary * example: a Gulf War examination is necessary * Gulf War examination is unnecessary when the claim is substantiated * example 1: Gulf War exam is unnecessary because the claim is substantiated * example 2: Gulf War exam is unnecessary because the claim is substantiated * Gulf War examination unnecessary – no potential 38 CFR 3.317 entitlement * example: Gulf War examination is unnecessary – no potential 38 CFR 3.317 entitlement * requesting an examination in a Southwest Asia claim, and * Notice to Examiners in Southwest Asia Claims. |

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| **Change Date** | February 16, 2016 |

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| a. When a Gulf War Examination is Necessary | [38 CFR 3.159(c)(4)](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1159&rgn=div8) provides that an examination is necessary in cases falling under [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317) when there is   * competent lay or medical evidence of a chronic disease (or chronic signs or symptoms of a disease) listed in [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8) manifesting within the period specified in [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8), namely * no later than December 31, 2016, for disability due to undiagnosed illness and medically unexplained chronic multi-symptom illnesses, *or* * as provided in [38 CFR 3.317(c)(3)(i)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317) for infectious diseases, ***and*** * service required by [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8), which is either * qualifying service in the Southwest Asia theater of operations as defined in [38 CFR 3.317(e)(2)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317), *or* * qualifying service in Afghanistan (for the purpose of a claim under [38 CFR 3.317(c)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317) only).   ***Exception***: An examination is *not necessary* in a Southwest Asia claim as provided in M21-1, Part IV, Subpart ii, 1.E.2.d-h.  ***Important***:   * The Veteran does not have to identify a claimed disability as due to Gulf War service. VA must broadly consider applicable legal avenues that may be available based on the facts – even if not specifically pleaded by the claimant. * The threshold for requiring an examination is ***low***. It is lower than the standard to prove entitlement to SC under [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317), because the purpose is only to determine whether VA has a duty to assist in substantiating the claim.   ***References***: For more information on   * requesting an examination in a Southwest Asia claim, see M21-1, Part IV, Subpart ii, 1.E.2.i * the “Notice to Examiners in Southwest Asia Claims,” see M21-1, Part IV, Subpart ii, 1.E.2.j * determining when an examination or opinion is necessary under the duty to assist, see M21-1, Part I, 1.C.3 * concepts and principles on deciding claims for SC under [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8), see M21-1, Part IV, Subpart ii, 2.D, and * evaluating evidence, see M21-1, Part III, Subpart iv, 5. |

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| b. Impact of Known Clinical Diagnoses on Whether an Examination is Necessary | When a Veteran has sought treatment for claimed chronic signs and symptoms listed in [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8), it is likely that the medical provider has rendered a diagnosis for those symptoms. However, the existence of a clinical diagnosis with specific etiology, which may weigh against [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8) entitlement, does not preclude the ordering of a Gulf War examination ***unless*** all symptoms claimed by the Veteran are clearly attributable to the diagnosis.  If there is a question as to whether the claimed signs and symptoms are attributable to an established clinical diagnosis, and if the criteria specified in M21-1, Part IV, Subpart ii, 1.E.2.a have been met, a Gulf War examination is necessary.  In such cases when an examination is warranted, the VA examiner’s workup must include an assessment of whether signs and symptoms represent a disease with a clear and specific etiology or whether they fall into a different disability pattern.  ***Example***: Gulf War Veteran claims SC for “upper respiratory problems” and “sleep disturbance.” A review of the medical evidence reveals various diagnoses over the last three years, to include asthma, sleep apnea, and seasonal allergies. The Veteran indicates he has trouble sleeping, and experiences wheezing and shortness of breath when exerting himself. He has received inhalers and other medications for his symptoms. It is not clear if comprehensive clinical testing has been performed to support the diagnoses.    ***Analysis***:Although there is a potential that the Veteran’s claimed symptoms are attributable to a known diagnosis, a VA examination is warranted. The different diagnoses of record raise questions about what condition is specifically producing the symptoms, and the evidence is not clear as to whether the appropriate testing was conducted to support the diagnoses.  ***Example***: A Gulf War Veteran claims SC for “sleep disturbance.” Private medical evidence reveals Veteran awakes several times a night, snores loudly, and has episodes of breathing cessation during sleep. A sleep study shows a diagnosis of obstructive sleep apnea was provided. In the medical report, it was noted that the described symptoms were consistent with sleep apnea.  ***Analysis***: In this case, a Gulf War examination is not warranted since it is clear that the sole cause of “sleep disturbance” is sleep apnea. Further, sleep apnea is not a recognized qualifying, chronic disability under the provisions of [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8).  ***Reference***: For more information on when a Gulf War examination is not necessary due to lack of potential entitlement under [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317), see M21-1, Part IV, Subpart ii, 1.E.2.g-h. |

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| c. Example – When an Examination is Necessary | ***Facts***: A Veteran has qualifying service in the Southwest Asia theater of operations as defined in [38 CFR 3.317(e)(2)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317). The claim is for fatigue and multiple-joint pain. STRs do not show any relevant treatment or diagnoses. Current medical records show complaints of regular fatigue and soreness in the knees, elbows and wrists for the last year without any noted injury or other specific cause listed. Assessments over the last year from the Veteran’s internist have included rule out arthritis, rule out bursitis, and likely overuse syndrome.  ***Result***: A Gulf War examination must be ordered. Although the Veteran did not specifically state that he was filing a “Gulf War” claim or mention [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8), he has the required service for consideration of SC under [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8). There is also lay and medical evidence of chronic signs or symptoms that are listed as potential manifestations of undiagnosed illness or medically explained chronic multi-symptom illness in [38 CFR 3.317(b)](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8) and these signs and symptoms manifested within the period specified in [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8). The fact that there is the possibility that the symptoms could be attributable to a disability with a clear and specific etiology does not change that an exam is necessary. |

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| **d. Gulf War Examination Unnecessary When the Claim is Substantiated** | Do *not* order a Gulf War examination when the evidence is adequate tosubstantiate the claim under [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8) or on another basis (for example, [38 CFR 3.303](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=3a6b7d05614e6872b0e1a93f477ec726&mc=true&r=SECTION&n=se38.1.3_1303), [3.306](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=3a6b7d05614e6872b0e1a93f477ec726&mc=true&r=SECTION&n=se38.1.3_1306), [3.307](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=3a6b7d05614e6872b0e1a93f477ec726&mc=true&r=SECTION&n=se38.1.3_1307), [3.309](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=3a6b7d05614e6872b0e1a93f477ec726&mc=true&r=SECTION&n=se38.1.3_1309), [3.310](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=3a6b7d05614e6872b0e1a93f477ec726&mc=true&r=SECTION&n=se38.1.3_1310)) – even if the threshold for an examination as stated in M21-1, Part IV, Subpart ii, 1.E.2.a is met.  When there is a current diagnosis of a medically unexplained chronic multi-symptom illness from [38 CFR 3.317(a)(2)(i)(B)(1) to (3)](http://www.ecfr.gov/cgi-bin/text-idx?SID=8ea30923e1416c1af6aea50662586579&mc=true&node=se38.1.3_1317&rgn=div8) (chronic fatigue syndrome, fibromyalgia or any listed functional gastrointestinal disorder) an examination is not necessary unless workup is needed for the purpose of assigning a disability evaluation.  ***Important***: Before determining that an examination is not necessary because the evidence is adequate to substantiate the claim, ensure that the evidence is *fully* sufficient to rate, including assignment of a disability evaluation.  ***Notes***:   * [38 CFR 3.159(c)](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1159&rgn=div8) provides that the duty to assist applies only when evidence is necessary to substantiate the claim. * [38 CFR 3.159(c)(4)](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1159&rgn=div8) provides that an examination or opinion is necessary only if the information and evidence of record is not sufficient to decide the claim. * [38 CFR 3.326(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=6ee7586c2030ed59d6bc6497537b8d58&mc=true&node=se38.1.3_1326&rgn=div8) provides that an examination is authorized when there is a claim for disability compensation but the medical evidence accompanying the claim is not adequate for rating purposes. |

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| e. Example 1: Examination is Unnecessary Because Claim is Substantiated | ***Facts***: A Veteran has qualifying service in the Southwest Asia theater of operations as defined in [38 CFR 3.317(e)(2)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317). The claims folder contains a competent medical assessment of chronic fatigue syndrome. The evidence shows that this developed to a compensable degree after service but before December 31, 2016. The evidence of record contains enough information to assign an evaluation for chronic fatigue syndrome.  ***Result***: Do not request an examination. The claim is substantiated under [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8). The evidence shows a claimant with service qualifying for consideration of [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8) has a medically unexplained chronic multi-symptom illness listed in the regulation that developed in the period specified in the regulation. The evidence is sufficient to award SC and assign an evaluation. |

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| f. Example 2: Examination is Unnecessary Because Claim is Substantiated | ***Facts***: A Veteran has qualifying service in the Southwest Asia theater of operations as defined in [38 CFR 3.317(e)(2)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317). The claims folder shows chronic bilateral knee pain developing during Southwest Asia service without a specific injury. The assessments in service were bilateral knee strain, rule out arthritis, and bilateral knee pain. X-rays were negative. The current medical evidence shows a complaint of bilateral knee pain and a diagnosis by a private doctor of bilateral knee strain. The doctor has offered the opinion that the strain had its onset in service. There is no superseding post-service injury. The record contains enough information to assign an evaluation.  ***Result***: Do not request an examination. Although there is a question as to whether this is truly a disability with a clear and specific etiology (a bilateral knee strain) or whether there is an undiagnosed illness manifested by multiple joint pain, the claim for SC is substantiated on a direct basis under [38 CFR 3.303](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=3a6b7d05614e6872b0e1a93f477ec726&mc=true&r=SECTION&n=se38.1.3_1303). The evidence is sufficient to award SC for bilateral knee strain and to assign an evaluation. |

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| g. Gulf War Examination Unnecessary – No Potential 38 CFR 3.317 Entitlement | A Gulf War examination is not necessary in a limited variety of cases where there is no potential entitlement under [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317).   * Do not order a Gulf War examination when a Southwest Asia Veteran claims neurological symptoms manifesting within the period specified in [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8) but there is a competent medical diagnosis of multiple sclerosis (MS). MS is listed in [38 CFR 3.317(a)(2)(ii)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317) as a chronic multi-symptom illness of partially understood etiology and pathophysiology that cannot be considered medically unexplained. Also, the condition is typically diagnosed only after a neurological examination and hallmark tests such as magnetic resonance imaging (MRI) and cerebrospinal fluid testing. * Do not order a Gulf War examination when a Southwest Asia Veteran claims fatigue, neurological, skin or other listed symptoms manifesting within the period specified in [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8) but there is a competent medical diagnosis of diabetes. Diabetes is listed in [38 CFR 3.317(a)(2)(ii)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317) as a chronic multi-symptom illness of partially understood etiology and pathophysiology that cannot be considered medically unexplained. Also, the condition is typically diagnosed only after clinical evaluation and hallmark testing such as blood glucose testing or hemoglobin A1C tests. * Do not request a Gulf War examination when the claim is for a single joint injury – not an undiagnosed illness or medically explained multi-symptom illness – *and* the evidence shows * trauma to the joint in service or thereafter, *and* * a known clinical diagnosis such as traumatic arthritis or meniscal tear indicating an injury etiology.   ***Exception***: In a case where there is an equivocal or provisional diagnosis such as “rule out MS” or “possible diabetes mellitus” or a diagnosis of MS or diabetes is questionable due to lack of workup, obtain an examination where the criteria in M21-1, Part IV, Subpart ii, 1.E.2.a are otherwise met.  ***Note***: It is possible in cases involving MS, diabetes or specific joint injuries that although a *Gulf War* exam is not indicated, the facts may support that an examination using another disability benefits questionnaire (DBQ) is necessary under [38 CFR 3.159(c)(4)](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1159&rgn=div8) to determine whether the condition had its onset in service or within another applicable presumptive period. |

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| h. Example: Gulf War Examination Unnecessary – No Potential 38 CFR 3.317 Entitlement | ***Facts***: A Veteran has qualifying service in the Southwest Asia theater of operations as defined in [38 CFR 3.317(e)(2)](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317). The Veteran claims right wrist pain from an injury in service in Iraq in 2008 related to mechanic duties. Service records are negative for any wrist injury, complaints or diagnosis. Post-service records show complaints of wrist pain starting two years after service discharge in 2010. Several of the earliest of those post-service records note that the Veteran related a history of pain after a recent fall playing basketball. The assessments include fall on an outstretched hand with possible wrist fracture, rule out traumatic arthritis and wrist strain. X-rays were negative.  ***Result***: Do not request a Gulf War examination. The Veteran had qualifying Southwest Asia service and demonstrated chronic joint pain – a listed sign or symptom of undiagnosed illness or medically unexplained chronic multi-symptom illness – during the regulatory period specified in [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/text-idx?SID=0995d33f9047781b71559a1428fccffd&mc=true&node=se38.1.3_1317&rgn=div8). However this was explicitly a claim for an injury and the facts show both a reported post-service injury and known clinical diagnoses indicative of injury etiology. There is no potential entitlement under [38 CFR 3.317](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a1991dcf0fbbbeb73d1a8cbdf5f4d5b&ty=HTML&h=L&r=SECTION&n=se38.1.3_1317). There is no potential for a medically explained multi-symptom illness or undiagnosed illness based on the facts. |

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| i. Requesting an Examination in a Southwest Asia Claim | When an examination is necessary, as provided in M21-1, Part IV, Subpart ii, 1.E.2.a, request   * a Gulf War General Medical Examination DBQ, and * any required specialist DBQs.   Do not request a Gulf War General Medical Examination if one has been  completed in response to a pending claim or a decision that has not yet become final.  ***Example 1***: A claim is received for irritable bowel syndrome (IBS) based on Gulf War service. The appropriate specialty examination and Gulf War General Medical Examination is requested. A claim for chronic fatigue syndrome (CFS) based on Gulf War service is received five months after a denial of SC for IBS is rendered.  ***Analysis***: In this case, only the appropriate specialty examination is requested for the claim for CFS since the previous claim is not final.  ***Example 2***: In the above scenario, the claim for SC for IBS is denied. The claim for CFS is received 15 months after the denial.  ***Analysis***: In this case, the appropriate specialty exam and Gulf War General  Medical Examination must be requested for CFS since the previous claim is final.  ***Notes***:   * Send the claims folder to the examiner to review, and * include the “Notice to Examiners in Southwest Asia Claims” shown in M21-1, Part IV, Subpart ii, 1.E.2.j.   ***Important***: Do not prepare a separate medical opinion DBQ. The “Notice to Examiners in Southwest Asia Claims” directs the examiner to provide a medical opinion if the examiner characterizes the disability pattern as a diagnosable chronic multi-symptom illness with a partially explained etiology, or a disease with a clear and specific etiology and diagnosis.  ***Reference***: For more information on requesting examinations and opinions, see M21-1, Part III, Subpart iv, 3.A. |

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| j. Notice to Examiners in Southwest Asia Claims | *Please examine this Veteran, who has service in Southwest Asia, for any chronic disability pattern. Please review the claims folder as part of your evaluation and state, with your findings, that it was reviewed. The Veteran has claimed a disability pattern related to* ***[insert symptoms described by Veteran]****.*  *Please provide a medical statement explaining whether the Veteran’s disability pattern is:*  *(1) an undiagnosed illness*  *(2) a diagnosable but medically unexplained chronic multi-symptom illness of unknown etiology*  *(3) a diagnosable chronic multi-symptom illness with a partially explained etiology, or*  *(4) a disease with a clear and specific etiology and diagnosis.*  *If, after examining the Veteran and reviewing the claims file, you determine that the Veteran’s disability pattern is either (1) an undiagnosed illness; or (2) a diagnosable but medically unexplained chronic multisymptom illness of unknown etiology, then no medical opinion or rationale is required as these conditions are presumed to be caused by service in the Southwest Asia theater of operations.*  *If, after examining the Veteran and reviewing the claims file, you determine that the Veteran’s disability pattern is either (3) a diagnosable chronic multi-symptom illness with a partially explained etiology, or (4) a disease with a clear and specific etiology and diagnosis, then please provide a medical opinion, with supporting rational, as to whether it is “at least as likely as not” that the disability pattern or diagnosed disease is related to a specific exposure event experienced by the Veteran during service in Southwest Asia.* |