AGGRAVATION - CONGENITAL CONDITIONS

Casey Matuszak
CONGENITAL CONDITIONS

DISCUSS

- Definition!
- Can it be Service Connected?
- Examples
CONGENITAL CONDITIONS

DEFINITION

- Congenital—condition existing pre-birth, at birth or shortly thereafter
  - Defect - static —incapable of improvement or deterioration!
  - Disease — capable of improvement or deterioration
CONGENITAL CONDITIONS

DEFINITION

- Developmental Conditions
  - Term used to describe lifelong disabilities attributable to mental or physical impairments manifested prior to age 22.
  - Causes – social, environmental and physical
CONGENITAL CONDITIONS

SERVICE CONNECTION?

- 38 CFR 3.303(c) SC granted for disease or injury *not* congenital or development defects, refractive error, personality disorder or mental deficiency – 38 CFR 4.9 & 4.127, VAGCPO 82-90
CONGENITAL CONDITIONS

SERVICE CONNECTION – Congenital Defect

Prohibited by law!
CONGENITAL CONDITIONS

SERVICE CONNECTION - Congenital Disease

- VAOPGCPREC 11-99 retinitis pigmentosa is a preexisting disease for which SC based on in-service aggravation is not precluded

- VAOPGCPREC 82-90 SC may be granted for disease (but not defects) of congenital, developmental or familial origin

- VAOPGCPREC 67-90 SC may be granted for hereditary disease which either first manifest themselves during service or which preexist service and progress at an abnormally high rating during service
CONGENITAL CONDITIONS

SERVICE CONNECTION - Congenital Disease

- M21-1MR.Part IV.II.2.B.7
  - First manifested in service, or
  - Preexisted service & progresses at an abnormally high rate during service, or
  - First manifested to compensable degree within presumptive period
CONGENITAL CONDITIONS

KEY TO SERVICE CONNECTION

Medical determination identifying when symptoms are manifested based upon

• medical evidence of record in each case, and

• sound medical judgment
CONGENITAL CONDITIONS

EXAMPLES OF CONGENITAL DISEASES

- Retinitis Pigmentosa
- Pseudofolliculitis barbae
- Pes Cavus
- Sickle Cell Anemia
- Huntington’s Chorea
CONGENITAL CONDITIONS