

HOW DO I WIN MY CLAIM/APPEAL?

Answer: File a solid, viable claim at the outset. Satisfy the Hickson Elements which are:

First Element

A current, 'chronic' medical condition for which you have a current diagnosis
Submit your military and civilian medical records with your application. (Medical evidence is the best evidence and 'chronic' means persistent, long lasting)

File for those medical conditions for which you received treatment (more than once) while in active duty service if those conditions are still a problem today.

Second Element

Evidence from your military medical records (Service Treatment Records) that indicate that the condition you are claiming today either started in or was aggravated by active duty service and you received continuous treatment for the condition while in service. (It helps if you mentioned it at your separation physical)

Third Element

A nexus or connection between the 'current, chronic' medical condition you are claiming and the in-service event

The connection is almost always---continuity of medical care (Continuity means continuous medical care)
(If it has been years since you separated service submit medical evidence of continuity of medical care for the condition claimed)

*There are rare exceptions to the general rule. Exceptions are usually related to 'presumptive' medical conditions, e.g. presumptive medical conditions resulting from exposure to Agent Orange, Gulf War Syndrome. Other exceptions may include, hearing loss, tinnitus, mental health diagnoses, such as PTSD and are usually military occupation related.

SAMPLE Statement

VIA FAST LTR
10-35

The hearing loss and tinnitus results from the exposure of **combat** acoustic trauma while assigned to _____ in _____.

- The _____ were firing 175 artillery mortars.
- I drove 2 ½ ton supply trucks on convoys carrying food, ammunition, fuel and other necessities used during the war,
- I am associating my hearing problems based on the Charles court case decision.

My hearing loss results from recurring **non-combat** acoustic trauma that I was exposed to while assigned as an _____ at _____.

- For a year and a half, I routinely delivered parts to a flight line maintenance unit that worked with and tested B-52 Bomber jet engines and used large operational generator power units.
- I was also exposed to the same type of acoustic trauma while assigned to Moody AFB, GA, also as an Inventory Management Specialist.
- In addition to my regular duties I encountered more noise exposure as I inventoried the flight line maintenance supply units.
- There, I was routinely exposed to the F-15 jet engines and the AIS Test Station noises.
- I am associating my hearing problems based on the Charles court case decision.

The hearing loss and tinnitus results from the exposure of ~~combat acoustic~~ trauma while assigned to an artillery unit in Vietnam. The battalions were firing 175 artillery mortars. I drove 2 ½ ton supply trucks on convoys carrying food, ammunition, fuel and other necessities used during the war, I am associating my hearing problems based on the Charles court case decision.

My hearing loss results from recurring ~~non-combat acoustic~~ trauma that I was exposed to while assigned as an Inventory Management Specialist at Carswell AFB, TX. For a year and a half, I routinely delivered parts to a flight line maintenance unit that worked with and tested B-52 Bomber jet engines and used large operational generator power units. I was also exposed to the same type of acoustic trauma while assigned to Moody AFB, GA, also as an Inventory Management Specialist. In addition to my regular duties I encountered more noise exposure as I inventoried the flight line maintenance supply units. There, I was routinely exposed to the F-15 jet engines and the AIS Test Station noises. I am associating my hearing problems based on the Charles court case decision.