



New Veteran's Administration Policy for ALS

As of September 23, 2008 veterans with ALS and their survivors are eligible for service connected benefits, including full health coverage, disability compensation and many other benefits.

The new policy generally applies to any veteran with ALS who served at least 90 continuous days on active duty, regardless of where or when they served in the military and regardless of how soon they were diagnosed with the disease following discharge from the military. Importantly, survivors are also eligible for benefits even if the veteran passed before the new policy was implemented.

SUMMARY OF SEPTEMBER 23, 2008 VA REGULATION

An interim final regulation, new 38 CFR 3.318, provides that:

- The development of ALS at any time after discharge or release from active military, naval, or air service is sufficient to establish service connection for that disease. Veterans who have a diagnosis of ALS are considered service connected regardless of the number of years following discharge they were diagnosed.
- The new regulation is effective immediately and applies to all applications for benefits that are received by VA on or after September 23, 2008, or that are pending before VA, the United States Court of Appeals for Veterans Claims, or the United States Court of Appeals for the Federal Circuit this same date.
- Veterans diagnosed with ALS are considered service connected regardless of when or where they served in the military. However, a veteran must have had 90 or more continuous days of active service.
- The presumption of service connection for ALS does not apply if there is affirmative evidence that ALS was not incurred during or aggravated by service in the military or affirmative evidence that ALS was caused by the veteran's own willful misconduct.
- The rating criteria for ALS in VA's Schedule for Rating Disabilities is dependent upon the severity of the disease and its effect on the body systems involved. The minimum rating for ALS is 30 percent.

If you have any questions, please feel free to contact us at 1-800-782-4747 or alsinfo@alsa-national.org.

Assisting Veterans with ALS- Partner with the PVA (or other veteran service organization) and VA to make sure they are aware not only of the new rules for ALS, but also the urgent nature of this disease and its progression. This is important to help ensure that applications are processed as soon as possible.

- Contact information for local VSO's is available here:
http://www.capwiz.com/alsa/attachments/VSO>Contact_Information_FINAL.pdf .
- Contact information for your local VA office is here:
<http://www1.va.gov/directory/guide/home.asp?isFlash=1> .