



DEPARTMENT OF VETERANS AFFAIRS
Regional Office and Insurance Center
Wissahickon Avenue and Manheim Street
P. O. Box 8079
Philadelphia PA 19101

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In Reply Refer To:
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Dear Mr. XXXXXX

Congresswoman Kirsten Gillibrand has expressed an interest in your appeal and will receive a copy of this letter.

This letter is in regards to your appeal for entitlement to service connection for chronic lymphocytic leukemia (CLL) as secondary to herbicide exposure, whether your appeal is affected by the ongoing Haas decision and subsequent appeal, and whether the Department of Veterans Affairs (VA) recognizes CLL under the REAL/WHO classification system of non-Hodgkin's lymphoma (NHL) under 38 C.F.R. 3.313.

On October 26, 1990, the VA effectuated 38 C.F.R. 3.313, providing service connection for Non-Hodgkin's Lymphoma (NHL) based on service in Vietnam. Under 38 C.F.R 3.313, "service in Vietnam" includes service in waters offshore, or service in other locations if the conditions of service involved duty or visitation in Vietnam.

Based on a Center for Disease Control (CDC) study published in March 1990, Vietnam veterans were found to be at increased relative risk of developing NHL. At that time, the Working Formulation Classification System was used to identify NHL. The REAL/WHO classification was first used in 1994, and revised in 1999, and included all cancers of the lymphatic system.

Prior to 1994, the acceptable definition of NHL under CDC's "Working Formulation" classification system included:

- Small lymphocytic with plasmacytoid features
- Diffuse, large
- Follicular, large
- Small, noncleaved
- Lymphoblastic
- Immunoblastic
- Burkitt's
- Small lymphocytic
- Intermediate cell
- Follicular, mixed small and large
- Mantle zone
- Follicular, small cleaved
- Diffuse, small and cleaved

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- Diffuse, small cleaved
- Diffuse, large noncleaved

In 1999, in an effort to increase understanding of lymphoma, pathologists revised the REAL/WHO classification system of NHL which included classifying CLL as a type of NHL.

Although CLL is now listed as a type of NHL under the REAL/WHO classification system, this system did not exist when the Selected Cancers Study was released in March 1990, which was used as a basis for establishing 38 C.F.R. 3.313. Therefore, only the types of NHL listed under Working Formulation Classification System will be accepted in establishing benefits under 38 C.F.R. 3.313.

We have evidence that shows you served aboard the USS Hornet, which was in the official waters of the Republic of Vietnam. As a result, your appeal for service connection for CLL will continue to be classified as a Haas case. We cannot take any further action on this claim until the stay is lifted on the cases affected by the Haas V. Nicholson litigation. We will advise you further when we receive guidance.

We did receive your claim for the issues of service connection for adjustment disorder and/or depressive disorder; chronic pain and fatigue; kidney problems, MRSA infection and Bells Palsy, all residuals of chemotherapy for your chronic lymphocytic leukemia; and for service connection for skin cancer. You will receive separate correspondence at a later date regarding the development of this claim.

If you have any questions or concerns, please visit the VA Regional Office located at 5000 Wissahickon Avenue, Philadelphia, PA 19144, or phone toll free 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the number is 1-800-829-4833. A Veterans Service Representative will be happy to assist you.

If you call, please refer to your VA file number 25 215 700. If you write us, put your full name and VA file number on the letter. Please send all correspondence to the address at the top of this letter. You can visit our web site at www.va.gov for more information on veteran's benefits or you can send us an e-mail by visiting hUps://iris.va.gov.

Sincerely yours,



Lillie Y. Jackson

Veterans Service Center Manager

cc: American Legion