

REASONS AND BASES FOR FINDINGS AND CONCLUSIONS

The Veteran is seeking entitlement to service connection for diabetes mellitus. In essence, he contends that he was exposed to herbicides in the inland waters of the Vietnam and that service connection for diabetes mellitus should therefore be granted on a presumptive basis.

Duties to Notify and Assist

The Veterans Claims Assistance Act of 2000 (VCAA) describes VA's duty to notify and assist claimants in substantiating a claim for VA benefits. See 38 U.S.C.A. §§ 5100, 5102, 5103, 5103A, 5107, 5126 (West 2002 & Supp. 2009); 38 C.F.R. §§ 3.102, 3.156(a), 3.159, 3.326(a) (2008). Here, the Board is granting service connection. Thus, no further discussion of the VCAA is required.

Service Connection

At the outset, the Board notes that the claims file consists of voluminous evidence submitted by the Veteran, including deck logs, articles, service records, medical records, and statements from the Veteran and his medical providers. All of this evidence has been carefully reviewed and considered.

A Veteran who, during active military, naval, or air service, served in the Republic of Vietnam (Vietnam) during the Vietnam era shall be presumed to have been exposed during such service to an herbicide agent, unless there is affirmative evidence to establish that the Veteran was not exposed to any such agent during that service. 38 C.F.R. § 3.307 (2009). "Service in the Republic of Vietnam" includes service in the waters offshore and service in other locations if the conditions of service involved duty or visitation in the Republic of Vietnam. See 38 C.F.R. §§ 3.307(a)(6)(iii) (2009).

The VA General Counsel has held the regulatory definition (which permits certain personnel not actually stationed within the borders of the Vietnam to be considered to have served in Vietnam) requires that an individual *actually have been present*