

VA's 'Reasonable Doubt' Doctrine

- It is the defined and consistently applied policy of the VA to administer the law under a broad interpretation, consistent however with the facts shown in every case. When, after careful consideration of all procurable and assembled data, a Reasonable Doubt arises regarding service origin/connection, the degree of disability, or any other point, such doubt will be resolved in favor of the veteran/claimant. Reasonable Doubt means one which exists because of an approximate balance of positive and negative evidence which does not satisfactorily prove or disprove the claim. It is a substantial doubt and one within the range of probability as distinguished from pure speculation or remote possibility.

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- Reasonable Doubt is not a means of reconciling actual conflict or a contradiction in the evidence. Mere suspicion or doubt as to the truth of any statements submitted, as distinguished from impeachment or contradiction by evidence or known facts, is not justifiable basis for denying the application of the Reasonable Doubt Doctrine if the entire complete record otherwise warrants invoking this doctrine. The Reasonable Doubt Doctrine is also applicable even in the absence of official records, particularly if the basic incident allegedly arose under combat or similarly strenuous conditions, and is consistent with the probable results of such known hardships.

- There must be evidence in any claim to the VA. The veteran must gather hard, written, documented, evidence of some type. The more evidence a veteran supplies, the less Reasonable Doubt is applied. When the veteran has sufficient evidence in favor of their claim, the veteran may have evidence that is beyond a reasonable doubt.....

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