

How to make a claim under section 15 (4)



The Statement of Principles reflect the current and most up-to-date scientific consensus about the causes of a service-related health condition. Veterans' Affairs makes every endeavor to link a veteran's health condition with their service.

If you believe that there is evidence that your health condition is service-related, but is not explained by a Statement of Principle you can present your evidence to support your claim under Section 15(4) of the Veterans Support Act 2014.

Key to making a claim when it doesn't appear to fit with a Statement of Principle is that you need to tell your story and link your health condition with your service. For that story to be part of a successful claim, it needs evidence.

We need your story to raise a reasonable hypothesis. This is a theory about how your condition is related to your service. Your reasonable hypothesis should be formed from the facts of your qualifying service and from medical information. It must show that it is more than a possibility that some exposure during your qualifying service caused your condition and that it is consistent with the known facts. Your hypothesis should be the sum of 3 things - your situation during your service, relevant facts from that situation and medical and scientific facts.

Your story aims to lay out the facts and show how they caused your service-related condition.

A fictional example to help you with your claim, is below.

Situation

I may have contracted Parkinson's Disease through exposure to a herbicide used in and around the areas I lived in while deployed to the former Yugoslavia between May and August 1998.

+ relevant situational facts

- I spent 14 weeks in the former Yugoslavia living in 4 different camps.
- At each camp XYZ was sprayed once per week around the perimeter of the camp and to a lesser extent inside the camp.
- I return to New Zealand in 1998 and haven't lived or worked in any other country since.
- Use of XYZ was banned in New Zealand in 1985 and I wasn't aware of any exposure to XYZ prior to my deployment.

+ medical and scientific facts

The causation of Parkinson's Disease by XYZ has been shown by:

- *Author name, (Date).* ["Title of relevant peer reviewed science"](#).
- *Author name, (Date).* ["Title of relevant peer reviewed science"](#)
- *Author name, (Date).* ["Title of relevant peer reviewed science"](#)

= a reasonable hypothesis

Factual information to support a reasonable hypothesis

Standard of medical or scientific evidence

- The standard to meet s.15 (4) must be consistent with proven or known scientific facts.
- Be specific to the hypothesis.
- Be from peer reviewed journals.
- Reflect a scientific consensus, i.e. not an isolated finding (more than one article).
- Reflect a causal relationship, not just a correlation.

Sources of evidence may include:

- Veteran's medical records.
- Veteran's service record.
- Medical and clinical filings.
- Medical specialist opinions.
- NZ case law.
- Overseas case Law.
- Previous decisions of Veterans' Affairs.

Legal evidence

Legal evidence from New Zealand and overseas may help demonstrate a factual connection between a veteran's circumstance, the claimed condition and a connection to qualifying service.

Reliable sources medical/scientific evidence may include:

- Systematic reviews e.g. Cochrane Database of Reviews.
- Critically appraised topics that are current and offer factual and relevant evidence.

Animal studies or isolated genetic studies or other articles without references, cannot be considered.

Please check over the page for further information about what good medical and scientific evidence looks like >>

What is good medical scientific evidence?

If your reasonable hypothesis is not covered within known scientific evidence or any of the Statement of Principles, we need to understand from you why you believe this to be true. For this, you need to provide Veterans' Affairs with high quality scientific evidence to support the link between your service and your health condition.

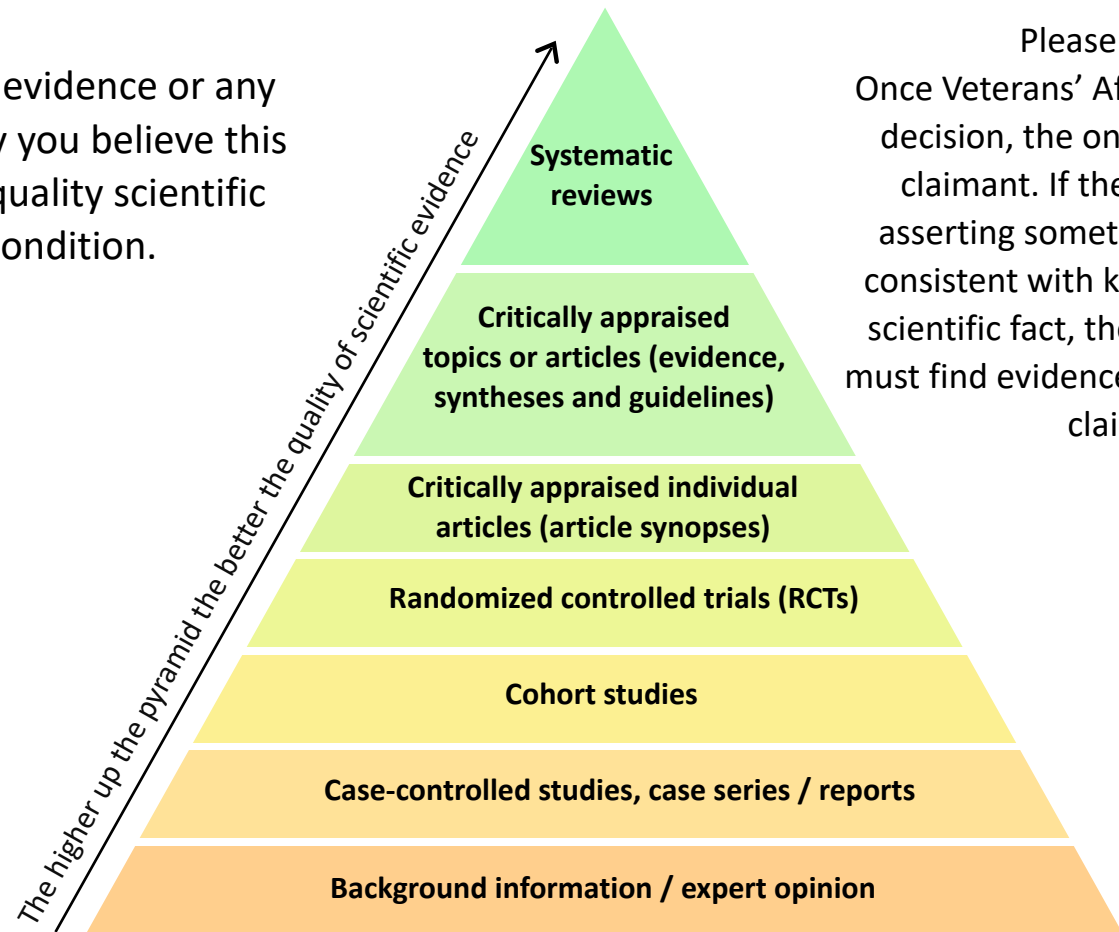
The hierarchy of evidence

Some evidence is better than other evidence.

The diagram on the right shows that the best kind of evidence for use in your claim comes from the **systematic reviews** (the top of the pyramid). These are the critical appraisals of research into a particular area. The systematic reviews evaluates all of the studies made about that area. The outcome of this kind of review reflects the collected evidence.

Individual studies vary in reliability. Their strength based upon all the efforts that were taken to remove scientific bias and control for chance. The more that these are controlled for, the more valuable the study will be.

A single study that hasn't been repeated in different populations of people is not particularly valuable. The more studies that show the effect the better.



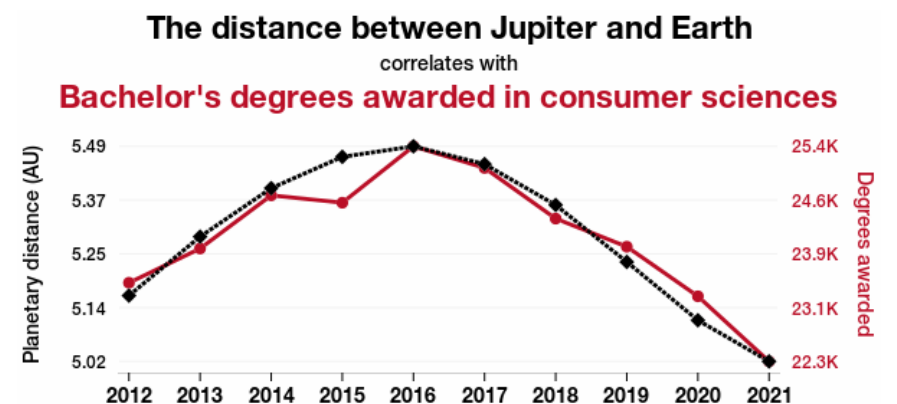
Please note:
Once Veterans' Affairs has made a decision, the onus shifts to the claimant. If the claimant are asserting something that is not consistent with known or proven scientific fact, then they can and must find evidence to support their claim.

Correlation is not causation

Sometimes studies show a statistical relationship between two things. However the presence of a statistical relationship by itself can't show that one caused the other. The key point is not to *immediately* connect correlation with causation.



For example, this graph plots the distance between Jupiter and Earth with the number of Bachelor's degrees awarded. A strong correlation, but with no causation at all.



Any claim considered under section 15, means that Veterans' Affairs has not been able to find any medical or scientific evidence to support your claim. Therefore it is extremely important that the information you provide is of a high quality and supports a causal link to military service. All claims are lodged by emailing VAmedicalreports@nzdf.mil.nz.