



THE SPICER QUESTION

THE BUT-FOR TEST

WOULD THE SECOND DISABILITY HAVE BEEN LESS SEVERE BUT FOR THE SERVICE-CONNECTED DISABILITY?

This can include a service-connected condition that blocked, delayed, or limited treatment.

38 CFR § 3.310 + SPICER V. McDONOUGH

MAKE EVERY LINK IN THE MEDICAL CHAIN VISIBLE

FIVE QUESTIONS THE NEXUS OPINION MUST ANSWER

1 WHAT IS THE SERVICE-CONNECTED CONDITION?

Identify it clearly, including the relevant medication or treatment when that is part of the theory.

2 WHAT IS THE CURRENT SECONDARY DISABILITY?

Name the diagnosis and describe what it is doing now, including symptoms and functional severity.

3 WHAT MEDICAL MECHANISM CONNECTS THEM?

Explain the timeline and the biological or treatment pathway. Do not stop at a general association.

4 WHICH EXACT QUESTION IS BEING ANSWERED?

Was the condition caused, made worse, or left more severe because treatment was blocked?

5 WHY DOES THE ANSWER FIT THIS VETERAN?

Apply the reasoning to the actual history, records, findings, medications, and competing causes in this file.

START HERE

NAME BOTH CONDITIONS AND THE DIRECTION OF THE CLAIM

Already service connected

PRIMARY CONDITION

Name the disability or its treatment that begins the medical chain.

MEDICAL LINK

Current disability being claimed

SECONDARY CONDITION

Identify the diagnosis, present symptoms, and current functional severity.

CHOOSE THE QUESTION THE EVIDENCE ACTUALLY RAISES

THREE MEDICAL PATHS

1

SECONDARY CAUSATION

CAUSED BY

Did the service-connected condition, or its treatment, cause the second condition?

THE OPINION SHOULD EXPLAIN

Onset, chronology, mechanism, treatment effects, and why that mechanism fits this veteran.

2

SECONDARY AGGRAVATION

MADE WORSE BY

Did the service-connected condition cause any additional increase in the second condition's severity?

THE OPINION SHOULD EXPLAIN

Earlier severity, current severity, what changed, when it changed, and why natural progression alone does not explain it.

The worsening does not have to be permanent. Baseline evidence remains important because the VA compares the pre-aggravation severity with the current level of disability to determine possible compensation.

3

BLOCKED TREATMENT OR ANOTHER BUT-FOR CHAIN

LESS SEVERE BUT FOR?

Would the second disability have been less severe but for the service-connected condition?

THE OPINION SHOULD EXPLAIN

Every link in the chain, including action or inaction. Spicer confirms that blocked treatment can fit this broader question.

IF TREATMENT WAS BLOCKED

DOCUMENT THE TREATMENT BARRIER

- The treatment that was planned
- Why it could not happen or was delayed
- How the service-connected condition created the barrier
- How the planned treatment was expected to improve the second condition

RECORDS THAT CAN SUPPORT THE ANSWER

BUILD THE MEDICAL TIMELINE

- Diagnosis and treatment records
- Medication history and adverse effects
- Before-and-after severity evidence
- Specialist findings, examination reports, and treatment plans

DO NOT CONFUSE POSSIBILITY WITH EXPLANATION

GENERIC STATEMENT VERSUS VETERAN-SPECIFIC REASONING

TOO GENERIC BY ITSELF

“Condition A can contribute to Condition B.”

A study or general statement may support the mechanism. It does not, by itself, explain what happened in this veteran's record.

THE MISSING EXPLANATION

“In this veteran, the records show how the service-connected condition affected the second condition through this mechanism and timeline.”

The clinician should connect the facts, explain important competing causes, and answer the correct caused, aggravated, or but-for question.

THE POINT IS NOT A MAGIC PHRASE.

The point is a medical explanation that answers the right question and shows its work using this veteran's evidence.



PRIMARY AUTHORITIES

EXPLORE SECONDARY CLAIMS