

SLEEP APNEA CLAIM STRATEGY

FOUR PATHWAYS.
DIFFERENT PROOF.

A map of direct, secondary, aggravation, and obesity intermediate-step theories



CHOOSE THE THEORY
THAT FITS THE EVIDENCE



START WITH THE CURRENT DISABILITY

CURRENT SLEEP APNEA DIAGNOSIS

A sleep study, diagnosis, and treatment records establish the condition you are claiming.

THEN IDENTIFY
THE LINK THEORY

01

PATH A

DIRECT

D

Sleep apnea began in service or is linked to an in-service event, injury, or disease.

1

IN-SERVICE FACT

Symptoms, diagnosis, event, exposure, or other relevant evidence

↓

2

CURRENT DISABILITY

Current sleep apnea supported by competent evidence

↓

3

MEDICAL NEXUS

A reasoned opinion connects the current condition to service

USEFUL RECORDS

STRs · lay statements · sleep study · medical opinion

02

PATH B

SECONDARY CAUSATION

C

A service-connected disability caused the sleep apnea.

1

SERVICE-CONNECTED CONDITION

The primary disability is already service connected

↓

?

CAUSAL MECHANISM

How could this condition, its limitations, or treatment cause sleep apnea?

↓

2

MEDICAL NEXUS

A case-specific opinion supports proximate causation

USEFUL RECORDS

treatment history · medication history · specialist opinion

03

PATH C

SECONDARY AGGRAVATION

A

A service-connected disability made the sleep apnea worse beyond natural progression.

1

BASELINE SEVERITY

Evidence showing the sleep apnea level before aggravation

→

2

MEASURABLE WORSENING

Later evidence showing an increase in severity

→

3

AGGRAVATION NEXUS

A medical opinion attributes worsening to the service-connected condition

USEFUL RECORDS

earlier and later studies · pressure settings · symptoms · opinion

04

PATH D

OBESEITY AS AN INTERMEDIATE STEP

O

Obesity is the link between a service-connected disability and sleep apnea.

SERVICE-CONNECTED
DISABILITY

CAUSED OR
AGGRAVATED

→

OBESEITY
Intermediate step

SUBSTANTIAL
FACTOR

→

SLEEP
APNEA

1

Did the service-connected disability cause or aggravate obesity?

2

Was obesity a substantial factor in causing sleep apnea?

3

Would sleep apnea not have occurred but for that obesity?

IMPORTANT:

On this pathway obesity is the intermediate link, not the claimed disability. Whether obesity can itself be service connected is a separate question with its own rules.

05

THE THEORY IS NOT THE NEXUS

A plausible pathway still needs evidence tied to the individual medical history.

1

IDENTIFY THE PATH

State whether the theory is direct, caused, aggravated, or intermediate-step.

2

DOCUMENT THE FACTS

Build a timeline with diagnoses, symptoms, treatment, medications, and weight history.

3

EXPLAIN THE LINK

Use a medical opinion that addresses the actual records and competing risk factors.

LEGAL FRAMEWORK

38 C.F.R. § 3.310 · VAOPGCPREC 1-2017 · Walsh v. Wilkie, 32 Vet. App. 300 (2020)

Educational summary only. It is not legal or medical advice.



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TOOLS FOR VETERANS

ONE DIAGNOSIS. FOUR POSSIBLE PATHWAYS.

The strongest path is the one the evidence can actually support.

SERVICE CONNECTION
PATHWAY MAP