

# Get The Truth On 'Scientific Literature' For VA Disability Claims

Benjamin Krause, April 11, 2015

Some VA examiners and VA doctors alike are confusing veterans and Veterans Benefits adjudicators about what 'scientific literature' actually is when denying a claim. Do not be fooled.

Personally, I think some VA examiners are misleading veterans by claiming certain resources are scientific literature when they are not. This is either intentional or the result of being lazy. Either way, this article will dispel the myths and help you sift through the nonsense.

Generally, scientific literature is the body of research about a particular subject. Most commonly accepted forms of scientific literature can be found in peer reviewed medical journals. But the inquiry does not end there, especially if there are conflicting opinions about a subject, and you need to know the difference between the different kinds of scientific literature and what is sometimes mistakenly considered the same.

Scientific literature can be an important resource when proving your claim and it can serve as medical evidence in certain circumstances.

I wanted to take a moment to give some key tips to figuring out the maze if you are unfamiliar with what medical doctors mean when they reference scientific literature and how mistakes are made by doctors not familiar with detailed research.

Unfortunately, a clear definition of this can be difficult to find. As a result, some veteran may have their claims denied by lazy VA examiners refusing to dig deep for evidence that may support a veteran's particular claim.

Scientific Literature Example

To give an example, one VA examiner, a medical doctor specializing in internal medicine, recently concluded a veteran did not suffer from a particular ailment because scientific literature he reviewed did not support the claim. His source for this revelation was the website [MayoClinic.org](http://MayoClinic.org).

Does the website MayoClinic.org count as scientific literature?

No, it most certainly does not. And in case anyone is confused, the website's "Terms and conditions of use policy" strictly warns against using the website for diagnostic purposes. When in question, search for a website page like "Terms of Use" to see how a website should be used.

So how can it be that trained VA examiners do not know that MayoClinic.org does not count? Any medical doctor knows the difference between a mere website and scientific literature. They likely cite websites like this anyway because they are too lazy to look deeper or they were not properly trained in medical research.

### Scientific Literature Defined

Luckily, we do not need to guess. University of California at Berkeley adequately sets out what 'scientific literature' is by breaking the subject down into three groups:

1. Primary Literature
2. Secondary Literature
3. Tertiary Literature

These are listed in order of most authoritative to least. This means if one source is outdated or lower on this list and a more favorable and more authoritative source like 'primary literature,' that latter should be controlling. No information on a mere website should control the dialogue on any subject.

#### 1. Primary Literature

The most authoritative source is 'primary literature.' This source presents or comments on immediate results of research. They often include analyses of data and laboratory evaluations. It is considered the most current and specialized on any subject. These sources are usually peer reviewed, and they are commonly considered the most authoritative.

Berkeley drills down into peer review a bit further, and I wanted to include that here so you can get a feel for what to look for when researching your own claim: "Peer review is the process by which most scholarly journals evaluate articles submitted for publication. The "peer" part of peer review refers to the fact that

the individuals who evaluate the articles for journals are researchers working in the same area as the author."

Berkeley went on to explain what publishing in the peer-reviewed literature means:

- Adds to the body of scientific knowledge
- Connects researchers working in the same area and keeps them up-to-date on new advances in their field
- Helps researchers to gain a wider audience for their findings and ideas, advance their careers, and obtain funding for further research
- Is an indication of quality; that other researchers consider the work to have merit"

Peer review is not an absolute and errors can still be made, so be sure to seek out more than one source.

## 2. Secondary Literature

The second is called 'secondary literature,' which serves to summarize and synthesize primary literature. These sources are considered less current and broader than primary literature. They include monographs (books on the subject) and literature reviews or review articles.

## 3. Tertiary Literature

The last source is called 'tertiary literature.' This last form of scientific literature includes encyclopedias, textbooks and handbooks. The information in these are broad and are not usually the most current or authoritative on a particular subject. The Berkeley library, Marian Koshland Bioscience & Natural Resources Library, gives more specifics to help you understand what medical examiners should be using for resources.

When you run into issues where two examiners disagree about what the body of scientific literature states about your disability claim, be sure to examine the difference for yourself.

I have run into this issue more than once for my own disability claims and those of clients. Use Google Scholar to search for various topics. You can request copies of medical journals for free through a local library. They may be delivered

electronically or in paper form for free if you find a library in your area with the proper resources.

Back to my example above.

Now that you know what scientific literature is, you should clearly understand that a website like MayoClinic.org is not the same as scientific literature. The website is not peer reviewed and not intended, by its own admission, to be used for diagnostic purposes.

You also know any examiner who claims otherwise is making a research error that may result in rendering an erroneous opinion based on a false premise. Opinions based on false premises can be considered non-probative when evaluating a disability claim.

You need to argue your point and provide opposing scientific literature immediately when you learn of the error. If you fail to do so, you will likely be prevented from raising the issue at the US Court of Appeals for Veterans claims.

My last tip on this subject is to be sure you read whatever the VA examiner claims the scientific literature says. Sometimes, they will cite a resource but fail to read it.

Have you ever experienced a denial because a VA examiner failed to consult authoritative or current scientific literature?

SOURCE: <http://www.lib.berkeley.edu/BIOS/bio1bscholcomm.html>

*All opinions expressed in this article are the author's and do not necessarily reflect those of [Military.com](http://Military.com).*

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Read more: <http://militaryadvantage.military.com/2015/04/get-the-truth-on-scientific-literature-for-va-disability-claims/#ixzz3XIRI8z4P>  
MilitaryAdvantage.Military.com