

HOW VA WEIGHS MEDICAL OPINIONS



FIVE FACTORS

The rater should weigh probative value, not count favorable and unfavorable reports.

Neither a C&P examiner nor a private clinician automatically wins. The opinion that best combines competence, accurate facts, consideration of the evidence, and reasoned analysis should receive greater weight.

01

REASONING QUALITY

The analysis must show how medical principles and facts support the conclusion.

02

FACTUAL ACCURACY

An opinion based on a materially wrong history loses probative value.

03

ALL RELEVANT EVIDENCE

Medical and credible lay evidence should be considered, including unfavorable facts.

04

RECORDS REVIEW

Claims-file review can help, but it does not create weight by itself.

05

THOROUGHNESS

Detail, testing, specialty, and explanation matter when relevant to the question.

COMPETING OPINIONS

WHY EITHER SIDE CAN PREVAIL

PRIVATE OPINION GAINS WEIGHT

- Corrects a factual error in the C&P report
- Addresses ignored lay or medical evidence
- Answers an aggravation theory VA missed
- Uses relevant specialty and required testing
- Directly rebuts the opposing rationale

C&P OPINION GAINS WEIGHT

- Private letter relies on an inaccurate history
- Private provider gives no rationale
- Specialty does not fit the question
- Opinion ignores a major alternative cause
- Boilerplate wording replaces analysis

APPROXIMATE BALANCE FAVORS THE VETERAN

When competent, persuasive evidence for and against the issue is in approximate balance, VA must apply the benefit-of-the-doubt rule. This is not a mechanical vote count.

KEY AUTHORITIES

THE WEIGHING FRAMEWORK

38 CFR 4.6

Thorough and conscientious evaluation of every element affecting probative value.

NIEVES-RODRIGUEZ

Medical reasoning and accurate information are central to probative value.

STEFL

Conclusory opinions without supporting analysis may be inadequate.

REONAL

An opinion based on an inaccurate factual premise has no probative value.

WEIGH THE SUBSTANCE. Credentials, file review, length, and source are relevant only as they affect competence, accuracy, and reasoning.

