§ 1113. Presumptions rebuttable

(a) Where there is affirmative evidence to the contrary, or evidence to establish that an intercurrent injury or disease which is a recognized cause of any of the diseases or disabilities within the purview of section 1112, 1116, 1117, or 1118 of this title, has been suffered between the date of separation from service and the onset of any such diseases or disabilities, or the disability is due to the veteran’s own willful misconduct, service-connection pursuant to section 1112, 1116, or 1118 of this title, or payments of compensation pursuant to section 1117 of this title, will not be in order.

(b) Nothing in section 1112, 1116, 1117, or 1118 of this title, subsection (a) of this section, or section 5 of Public Law 98–542 (38 U.S.C. 1154 note) shall be construed to prevent the granting of service-connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active military, naval, or air service.


Amendments

1998—Subsec. (a). Pub. L. 105–277 substituted “1117, or 1118” for “or 1117” and “, 1116, or 1118” for “or 1116”.

Subsec. (b). Pub. L. 105–277, § 1602(b)(1), substituted “1117, or 1118” for “or 1117”.

1994—Subsec. (a). Pub. L. 103–446, § 106(b), inserted “or disabilities” after “diseases” in two places, substituted “purview of section 1112, 1116, or 1117” for “purview of section 1112 or 1116”, and inserted “, or payments of compensation pursuant to section 1117 of this title,” before “will not”.

Subsec. (b). Pub. L. 103–446, § 501(b)(1), substituted “title,” for “title or” and inserted “, or section 5 of Public Law 98–542 (38 U.S.C. 1154 note)” after “of this section”.

Pub. L. 103–446, § 106(b)(1), substituted “section 1112, 1116, or 1117” for “section 1112 or 1116”.

1991—Pub. L. 102–83, § 5(a), renumbered section 313 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted “1112 or 1116” for “312 or 316” wherever appearing.

Pub. L. 102–4 inserted “or 316” after “section 312” wherever appearing.

Effective Date of 1994 Amendment

Section 501(b)(2) of Pub. L. 103–446 provided that: “The amendments made by paragraph (1) [amending this section] shall apply with respect to applications for veterans benefits that are submitted to the Secretary of Veterans Affairs after the date of the enactment of this Act [Nov. 2, 1994].”