To: Insert RO Name and CODE from original denial letter you are CUEing

This is a claim for CUE, Clear and Unmistakable Error, under provisions of 38 USC 5109A Revision of decisions on grounds of clear and unmistakable error for violation of:

- **38 USC 1111 – Presumption of sound condition**
- **38 CFR 3.304 (b) – Direct service connection; wartime and peacetime. (b) presumption of soundness (in this example the details in the CFR section (b) are critical to USC 1111)**
- **38 CFR 4.2 – Interpretation of examination reports (many times 4.2 can be incorporated with 4.6)**
- **38 CFR 4.6 – Evaluation of evidence (this should probably be in most CUE's)**

Note: The above examples are not an exhaustive list of CUE possible claims. If you have a BVA Case, CAVC Case, MR21 instruction, or other Federal Law that is applicable it should be in this list.

Format of a CUE Statement:

38 CFR 3.304(b)(1) states in part "History of preservice existence of conditions recorded at the time of examination does not constitute a notation of such conditions..." (this basically means just because you stuck it on a form at enlistment does not mean it qualifies as a pre-existing condition for SC purposes)

39 CFR 4.6 states in part "...affecting the probative value to be assigned to the evidence in each individual claim must be thoroughly and conscientiously studied by each member of the rating board..."

Follow these with:

VA Witch Doctor, Big ol' Voodoo MD, C&P exam dated XX/XX/XXX, page 4, para 3, states "vet said he had a boo boo before he went into the Marine corps. Page 5, para 2, "...No evidence of in service injury..."

Service Treatment Record, dated XX/YY/ZZZZ, Naval Air Station Ass end of Nowhere, documents "...Dumbass jumped out of a plane and forgot how to land..."

The legal requirements of 39 CFR 3.304(b)(1) and 38 CFR 4.6 were not met.

Do the above for each item in the top list that you are claiming they violated.

In the CUE itself, keep it straight forward, simple and only use legal language and evidence citations. No phrases like "failed to", "fucked up", "was too stoooppiiid to read" are to be used.
Never use personal or emotional words. No "you didn't.." type statements.

At the end of the CUE doc list all enclosures/exhibits you have attached and cited in the body of the CUE doc.

Enclosures: (note Exhibit or Enclosures works, just be consistent)
Enclosure 1 – C&P exam dated XX/XX/XXX
Enclosure 2 – Service Treatment Record, dated XX/YY/ZZZZ
Enclosure 3 – Law, MR 21 rule, or other Federal Law
Enclosure 4 – Case law from whatever cases may support your claim

Things to keep in mind..

1. The long dash in the top list is called an em dash. It just looks better than a space or regular dash. There is a true meaning in writing styles, but for this purpose it just looks better.–
2. Use Ellipses. (These are the three dots ...) and are used to not have to include every single word in a

quote.

3. If you start with the First word in quote, no ellipse before that word. If you start somewhere after the first word use ellipses.
4. If you end on the last word in the quote, no ellipses. If there are more words than you want to show, then use ellipses.
5. Never use emotional words in a CUE doc
6. Never use direct accusations in a CUE doc
7. If you need to explain your CUE it may not be a CUE
8. If you choose to add a Time Line doc or Narrative doc, list it just like every other citation or Enclosure/Exhibit. You won't use this in the body of your CUE. It must follow all the other rules about NOT using emotional words and no accusations. It must be factual and not opinion or viewpoint.
9. The body of the CUE should be no more than 1 maybe 2 pages long, NOT INCLUDING the opening list and closing Enclosure/Exhibit List. With them it should be no more than 3 pages.
10. Don't colorize your text. I did it here just to offset suggestions from content.