

LLT Lab Annotation Protocol (Public): ReasoningSentence Type

(Sentences That Primarily State Evidence-Based Reasoning)

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The following guidelines and examples govern our annotation of spans of text using the type “ReasoningSentence”.

Part I: Guidelines

This protocol annotates text that has previously been annotated using the annotation protocol for the type “Sentence.” In addition, it assumes that you have already annotated for the types “LegalRuleSentence”, “CitationSentence”, “FindingSentence”, and “EvidenceSentence”. Each and every annotation should span one (and only one) entire sentence.

A reasoning sentence (or an “evidence-based-reasoning sentence” or “evidentiary-reasoning sentence”) is a sentence that primarily reports the trier of fact’s reasoning about the evidence in making the findings of fact (also referred to as “evidentiary reasoning”). Such reasoning often involves an assessment of the credibility and probative value of the evidence, and it may also include application of substantive or process rules, and occasionally even legal policies. An example of a statement of evidence-based reasoning is: “Also, the clinician’s etiological opinions are credible based on their internal consistency and her duty to provide truthful opinions.” This example is from Board of Veterans Appeals #1340434 (12/06/2013).

We are annotating at the sentence level, so a sentence that primarily describes the evidentiary reasoning of the trier of fact, but which also includes within it a citation (e.g., to the transcripts, or an exhibit), should be annotated as an evidentiary-reasoning sentence. Correspondingly, a sentence that is primarily a citation, but which incidentally also contains a parenthetical with text that states the evidentiary reasoning from another case, should be annotated as a citation sentence. (Note that on a second layer of analysis, looking inside the content of a sentence, we can still extract the citation embedded in an evidentiary-reasoning sentence, or the evidentiary reasoning embedded in a citation sentence, so no information is lost.)

In general, in deciding whether you should annotate a particular sentence as being an evidentiary-reasoning sentence, you should move through the following steps. These steps do not contain mechanical tests, but rather factors that can “add up” to the sentence’s probably being an evidentiary-reasoning sentence. Think of yourself as computing a “likelihood score” that the sentence is an evidentiary-reasoning sentence.

1. If the sentence contains an explicit statement of the credibility of a witness, or of the trustworthiness of an item of evidence, then the sentence is very likely to be

an evidentiary-reasoning sentence (a judgment of the fact-finder in assessing the probative value of the raw evidence).

2. If the sentence contains a statement that two items of evidence are in conflict, or are inconsistent, then the sentence is very likely to be an evidentiary-reasoning sentence.
3. If the sentence compares the probative values of two items of evidence, or emphasizes which evidence is more important than other evidence, then the sentence is very likely to be an evidentiary-reasoning sentence.
4. If the sentence explicitly narrows the scope of evidence declared relevant to an issue of fact, then the sentence is very likely to be an evidentiary-reasoning sentence.
5. If the sentence states that evidence is lacking, insufficient, or non-existent, then the sentence is likely to be an evidentiary reasoning sentence.
6. If the sentence contains a linguistic cue that indicates that the fact-finder is making an inference from the evidence on its face, then the sentence is likely to be an evidentiary-reasoning sentence, and not merely a statement neutrally describing the evidence.
7. If the sentence contains an attribution subject and cue that could indicate a finding of fact (e.g., "the Board finds that"), but the Board's conclusion is not about a rule condition in the rule tree, and it is rather an intermediate conclusion about what the evidence shows or about the credibility or trustworthiness of that evidence, then the sentence is more likely to be an evidentiary-reasoning sentence.
8. If the sentence explicitly states the sequence or path of the fact-finder's reasoning, then the sentence is more likely to be an evidentiary-reasoning sentence.
9. If the sentence occurs in the same paragraph as a finding sentence and one or more evidence sentences, but it is not of either of those two types, then it is more likely to be an evidentiary-reasoning sentence. An evidentiary-reasoning sentence supplies some part of the rationale for making the finding based on the evidence. At the sentence level, it is any sentence that connects the evidence to the finding in some logical manner.

Part II: Lists of Examples (Organized into 3 Lists)

List A: Normal Form -- A sentence in "normal form" is one for which we are highly confident that it states the evidentiary reasoning of the trier of fact (in BVA claims, the Board), and this confidence is based on some evidence from the text of the sentence (the "linguistic cue"). Also, a sentence in "normal form" has a certain fixed format or

pattern, which we find recurring numerous times. These should be the easiest types of sentences for computer software to identify.

An evidentiary-reasoning sentence provides the reasoning link (or inferential link) between the evidence and the findings. There is no formulaic way of expressing this. Do not be surprised, therefore, if there are few “normal forms” for evidence-based-reasoning sentences, or that they are not as precise as the normal forms for other sentence roles. This type of sentence is the least likely to follow a preset linguistic pattern. Far more indicative is the location of the sentence within the context of evidence sentences and finding sentences, without fitting the type for either of these two. Another indicator is the presence of words that express an evaluation of the evidence, or a determination of its probative value in reaching the finding of fact.

Nevertheless, there might be normal forms where the sentence explicitly attributes intermediate reasoning to the Board or other fact-finder. Typical format: {Fact-finder} {Attribution Cue} {Proposition Being Stated}, where the fact-finder = a noun or noun phrase that refers to the Board or some other fact-finder that is the subject of the attribution, the attribution cue = verb+*that* (the evidence of attribution, such as *believes that, concludes that, infers that*), and the proposition being stated is a complete clause, but is neither a finding clause nor a clause merely stating evidence descriptively.

We can regard as a “normal form” also those sentences that contain signature or formulaic words that unmistakably indicate an evaluation of the probative value of the evidence, even where there is not an explicit reference to the fact-finder.

EXAMPLES:

The Board finds that it is unclear whether service medical records indicate that the Medical Board determined that the Veteran's preexisting psychiatric disability was aggravated by service or not aggravated by service since a mark was placed equally between the boxes for each.

[Note: the attribution subject and cue might indicate a finding of fact, but the Board's conclusion is not about a rule condition in the rule tree; it is rather an intermediate conclusion about what the evidence shows. The last clause indicates the evidence that is the basis for the conclusion, but the sentence as a whole is primarily a reasoning sentence.]

The Board has considered this argument, and concurs that an in-service stressor need not be the predominant (that is bulk or majority) cause of PTSD.

[Note: the attribution object is not a proposition that determines whether a substantive legal-rule condition (in the rule tree) has been satisfied or not.]

List B: Transforms of Normal Forms and Aberrant Forms -- Most evidentiary-reasoning sentences are not even transforms of “normal forms” (because there are few truly normal forms), but they have some particular cues that indicate evaluation of probative value. Nevertheless, we look for linguistic transforms (or aberrant forms) wherever we can find them, to help in developing automatic analytics.

A sentence that is a “linguistic transform” of a “normal form” is one for which we are also highly confident that it states evidence-based reasoning, based on some linguistic cue from the text of the sentence. However, while a sentence in “normal form” has a certain

recurring format or pattern, a "linguistic transform" has a more unusual linguistic pattern. Yet there might be some linguistic rules (such as changing passive verbs to active verbs) that would make it easier for computer software to identify them.

EXAMPLES:

In contrast, the Board finds the VA examiners' and other medical professionals' determinations that the Veteran does not have PTSD are highly probative as the determinations are supported by detailed explanation for why the diagnosis was not proper and are based on findings consistent with the medical records.

The Board finds the probative value of the findings of no PTSD outweighs the probative value of the findings of PTSD.

Although the Veteran is competent to report that his psychiatric symptoms began during service, the Board finds any such history is not credible in light of the varied and conflicting histories of record as to the date of onset of the psychiatric symptoms.

The Board has considered all psychiatric conditions for which the Veteran has been diagnosed in determining whether service connection is warranted in this case.

The appellant has requested that the Board obtain records from this psychiatric treatment at Bayberry Hospital, but the Board concludes that such records could not serve to benefit the appellant.

[Note: the conclusion is about the probative value of the indicated evidence, even though an appellate court might be persuaded to consider this a ruling as a matter of law.]

The Board does not find this assertion, made during a VA examination after the Veteran's claim for service connection for PTSD was received, to be credible.

However, because the Board finds that the Veteran's statements regarding his medical history are not credible, the Board, in turn, finds that the VA examiners' opinions are not credible or persuasive and are entitled to no probative value as they are based on the Veteran's reported history.

This conclusion is highly probative insofar as it was made based on a review of the entire claims folder, including documentation of the Veteran's extensive substance abuse and treatment history and after consideration of the opinions of the earlier two VA examiners, who acknowledged that it was hard to diagnose the Veteran because his answers were often vague or off topic.

There is no credible evidence that the Veteran was physically or sexually assaulted in service; he did not advance these contentions until his appeal was well underway and he never provided any specifics about the supposed assaults, other than to say that he was once invited to another soldier's home, to which he apparently did not go.

[Note: the first clause evaluates the specified evidence and reaches an intermediate conclusion, not a finding on a condition in the rule tree. Moreover, even though the sentence also contains a statement of the evidence on which the evaluation is made, we place a high priority on identifying evidence-based reasoning, and so annotate this entire sentence as an evidence-based-reasoning sentence. A single sentence that combines both an evaluation of the evidence and a summary of that evidence is a very valuable sentence for extracting reasoning patterns for future cases.]

While laypersons are generally competent to report symptoms of disorders, in this case, the Board finds that the Veteran's recollections of his medical history are not consistent and therefore, not credible.

However, it strains credulity to accept this information as the Veteran had months before service to change his mind about going on active duty.

[Note: assessments of the credibility or trustworthiness of the evidence tend to be evidentiary reasoning sentences. This sentence would have been in normal form if instead of the reference to “this information” the author had stated a proposition. As it is, we need context to understand the complete meaning of this sentence.]

He also received a meritorious promotion upon completion of basic training, a fact that is in stark contrast with his assertions of not being able to function and wanting to commit suicide during basic training.

[Note: the sentence assesses two items of evidence as being “in stark contrast.”]

Thus, even if the Veteran does have depression, this occurred after service and the evidence shows it was not caused by service.

[Note: while the clause “it was not caused by service” perhaps expresses a finding of fact because it is close to stating the issue of service connection, the rest of the sentence indicates intermediate reasoning about the evidence.]

Further, they also are not aware of all of the facts in this matter and their challenges to determinations made or evidence contained in the record have no credibility.

[Note: the final clause clearly evaluates the specified evidence. Moreover, even though the sentence also contains a statement of the evidence on which the evaluation is made, we place a high priority on identifying evidence-based reasoning, and so annotate this entire sentence as an evidence-based-reasoning sentence.]

The Board notes that an attempt to elicit more information regarding these broadly-described stressors was unsuccessful, see letters dated September 2008, and that a formal finding on a lack of information required to verify stressors was made.

[Note: while the attribution subject and cue could indicate a finding of fact, clearly these are procedural facts and not substantive findings related to the rule tree. On the other hand, in the context of a decision this sentence could also be an evidence-based-reasoning sentence if the Board used this information as part of the basis for its current findings.]

Also, his outstanding performance, as documented in his personnel records, as well as the letter of recommendation by his company commander and the dining facility officer do not support a conclusion that the Veteran's performance waned upon his graduation from basic training and receipt of a meritorious promotion.

[Note: the verb does not attribute the attribution object to the grammatical subjects of the sentence, but rather supports an attribution to the Board itself.]

Unfortunately, the Board cannot consider those records for accrued benefit purposes since they are not VA records and were not associated with the claims file prior to the Veteran's death in December 2005.

[Note: this might also be a ruling of law, but in context may be part of the reasoning in evaluating the proffered evidence. We would mark it as an evidentiary-reasoning sentence.]

List C: Aberrant Forms of Normal Forms -- Some sentences have very unusual linguistic structures, but we are still confident that they state the reasoning of the fact-finder from evidence to a finding of fact. This confidence might be based on linguistic cues, but it is often based on a context where the sentences are neither merely factual statements of evidence nor official findings of fact

Where this confidence is based more on the context than on linguistic cues within the sentence itself (e.g., co-references to words or phrases in other sentences), we would have to study these sentences in context, to determine what evidence we have that they probably state evidence-based-reasoning sentences.

EXAMPLES:

It is clear that both individuals thought highly of the Veteran and that they had positive relationships.

[Note: the sentence above contains an implicit evaluation of several items of evidence.]

The May 2008 letter from the VA physician does not support the Veteran's claim.

Although the Veteran has given a history of several incidents, his primary incident involves the karate instructor and this has been the basis for the diagnosis by various providers and examiners.

[Note: this is a very subtle sentence, but notice how it evaluates the evidence by narrowing the relevant evidence down to the single critical incident.]

Even more importantly, after a comprehensive review of all of the Veteran's treatment records and the prior medical opinions, the examiner who provided the May 2011 report of examination determined that the Veteran did not have PTSD or any other psychiatric disorder which could have been aggravated by service.

[Note: this emphasis on which evidence or consideration is "even more important" can signal an evaluation of the probative value of that examiner report.]

Finally, medical judgment considering medical principles exists in that evidence, notwithstanding the assertion of the Veteran's representative to the contrary.

[Note: the last clause above is evaluative in rejecting an assertion of the Veteran's representative on the record.]

That finding is inconclusive. That alone is insufficient.

That leaves for consideration the opinion of the examiner who conducted the February 2008 VA mental disorders examination.

[Note: the initial verb phrase indicates a winnowing and narrowing of the evidence evaluation, which is an important recurring technique of fact-finders. The sentence indicates the path of reasoning of the fact-finder in assessing the evidence.]

That a psychotic episode he experienced during service probably would have been experienced had he not been in-service but had instead been otherwise occupied bolsters that opinion rather than undermines it.

[Note: the above sentence relates the probative values of two items of evidence. Similar examples would be statements about evidence being corroborating, undermining, etc.]

The only evidence of onset of a psychiatric disorder during service is the Veteran's conflicting post-service statements to VA and private medical providers regarding the onset of his psychiatric disorder.

[Note: any conclusion by which the fact-finder narrows the evidence or determines a lack of evidence is an evaluative sentence.]

The opinions, which are not supported by rationale, appear to be based on the Veteran's statements alleging pre-service onset of his disorders.

[Note: any indication that the fact-finder is making an inference from the evidence indicates a reasoning sentence, and not merely a statement describing the evidence.]

The Veteran's reports of psychiatric symptoms and receiving psychiatric treatment to include hospitalization prior to his entrance examination constitute lay evidence. He is a lay person, as there is no indication that he possesses medical knowledge, training, or experience. His reports are competent, as the symptoms and treatment described would have been experienced by him personally. His reports also are credible because there is no reason to doubt them. They are consistent with the other evidence.

[Note: every one of these sentences are reasoning sentences. And in context with each other, they express a line of reasoning.]