

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
09/19/2002	09/18/2004	Army	Honorable

LEGACY CODES			
ADD'L SVC CODE	COMBAT CODE	SPECIAL PROV CDE	FUTURE EXAM DATE
	1		None

JURISDICTION: Supplemental Claim Received 05/31/2022

ASSOCIATED CLAIM(s): 040; Supplemental Claim Rating; 05/31/2022

SUBJECT TO COMPENSATION (1.SC)

9411 POST-TRAUMATIC STRESS DISORDER WITH ALCOHOL USE DISORDER [PTSD
- Combat/Fear - Easing Standard]
Service Connected, Gulf War, Incurred
Static Disability
50% from 06/30/2021, Change Under 38 CFR 3.105(a)(error)

5237 LUMBOSACRAL STRAIN
Service Connected, Gulf War, Incurred
Static Disability
20% from 06/30/2021
Original Date of Denial: 05/23/2022

6260 TINNITUS
Service Connected, Gulf War, Incurred
Static Disability
10% from 06/14/2021

5215 RIGHT WRIST STRAIN (MAJOR)
Service Connected, Gulf War, Incurred
Static Disability
10% from 06/30/2021
Original Date of Denial: 05/23/2021

5215 LEFT WRIST STRAIN (MINOR)



Service Connected, Gulf War, Incurred
 Static Disability
 10% from 06/30/2021
 Original Date of Denial: 05/23/2022

8516 CUBITAL TUNNEL SYNDROME, LEFT UPPER (MINOR) ASSOCIATED WITH
 NECK CONDITION

Service Connected, Gulf War, Incurred
 Static Disability
 10% from 06/30/2021
 Original Date of Denial: 05/23/2022

8516 CUBITAL TUNNEL SYNDROME, RIGHT UPPER (MAJOR) ASSOCIATED WITH
 NECK CONDITION

Service Connected, Gulf War, Incurred
 Static Disability
 10% from 06/30/2021
 Original Date of Denial: 05/23/2022

COMBINED EVALUATION FOR COMPENSATION :

10% from 06/14/2021
 80% from 06/30/2021 (Bilateral factor of 3.4 Percent for diagnostic codes 8516, 5215, 5215, 8516)

NOT SERVICE CONNECTED/NOT SUBJECT TO COMPENSATION (8.NSCGulf War)

5213 RIGHT ELBOW CONDITION
 Not Service Connected, Gulf War, No Diagnosis

Original Date of Denial: 05/23/2022

5213 LEFT ELBOW CONDITION
 Not Service Connected, Gulf War, No Diagnosis

Original Date of Denial: 05/23/2022

5237 NECK CONDITION ASSOCIATED WITH LUMBOSACRAL STRAIN
 Not Service Connected, Gulf War, Not Secondary

Original Date of Denial: 05/23/2022



6100 BILATERAL HEARING LOSS
Not Service Connected, Gulf War, Hearing Normal for VA Purposes

Original Date of Denial: 07/02/2021

8520 RIGHT LEG RADICULOPATHY ASSOCIATED WITH LUMBOSACRAL STRAIN
Not Service Connected, No Diagnosis
Static Disability
, Confirmed and Continued Decision
Original Date of Denial: 05/23/2022

8520 LEFT LEG RADICULOPATHY ASSOCIATED WITH LUMBOSACRAL STRAIN
Not Service Connected, No Diagnosis
Static Disability
, Confirmed and Continued Decision
Original Date of Denial: 05/23/2022

8865-6511 SINUSITIS [Environmental Hazard in Gulf War/Undiagnosed Illness]
Not Service Connected, Gulf War, No Diagnosis

Original Date of Denial: 05/23/2022

8865-6522 RHINITIS [Environmental Hazard in Gulf War/Undiagnosed Illness]
Not Service Connected, Gulf War, No Diagnosis

Original Date of Denial: 05/23/2022

8873-7319 IBS [Environmental Hazard in Gulf War/Undiagnosed Illness]
Not Service Connected, Gulf War, No Diagnosis

Original Date of Denial: 05/23/2022

8881-8100 TENSION HEADACHES [Environmental Hazard in Gulf War/Undiagnosed Illness]
Not Service Connected, Gulf War, Not Incurred/Caused by Service
Static Disability

Original Date of Denial: 05/23/2022



eSign: certified by ADJGOLD, RVSR





**DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Denver Regional Office**

**Represented By:
ANDREW J MCKEOWN
Rating Decision
02/15/2023**

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era. You served in the Army from September 19, 2002 to September 18, 2004. We received your supplemental claim on May 31, 2022. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

This rating decision addresses an issue deferred in the rating decision dated January 27, 2023.

DECISION

1. The previous denial of service connection for left leg radiculopathy as secondary to lumbosacral strain is confirmed and continued.
2. The previous denial of service connection for right leg radiculopathy as secondary to lumbosacral strain is confirmed and continued.

EVIDENCE



2 of 4

- Rating Decision, dated January 27, 2023
- Disability Benefit Questionnaire, Medical Opinion, conducted October 19, 2022
- Rating Decision, dated May 23, 2022
- VA Form 20-0995, Decision Review Request - Supplemental Claims, received May 31, 2022
- Your Attorney's Statement, received February 2, 2022
- VA Form 21-4138, Statement in Support of Claim, received February 2, 2022
- VA Form 21-0966, Intent To File A Claim For Compensation and/or Pension, or Survivors Pension and/or DIC, received June 30, 2021

REASONS FOR DECISION

1. Service connection for left leg radiculopathy as secondary to the service-connected disability of lumbosacral strain.

A claimant may file a supplemental claim by submitting or identifying new and relevant evidence. New evidence is evidence not previously part of the actual record before agency adjudicators. Relevant evidence means evidence that tends to prove or disprove a matter at issue in a claim. (38 CFR 3.2501) We have not received new or relevant medical evidence in support of your claim.

VA rating decision, dated May 23, 2022 denied your claim because evidence of records failed to show that this disability has been clinically diagnosed.

We acknowledge receipt of your lay statement and your attorney's statement, received on May 31, 2022.

The evidence does not support a change in our prior decision. Therefore, we are confirming the previous denial of this claim.

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) We did not find a link between your medical condition and military service. (38 CFR 3.303)

Service connection can also be established for a disability which is proximately due to or the result of a service-connected condition if the evidence shows that you have been medically diagnosed with a condition, and there is a relationship between the claimed condition and the service-connected condition. (38 CFR 3.310)

The examiner provided the following rationale: "The Veteran's claimed left leg radiculopathy is less likely than not proximately due to or the result of his claimed lower back condition. There is no objective evidence to support the diagnosis of a left leg radiculopathy condition."

A secondary grant of service connection requires 1) medical evidence of a current disability, 2)



3 of 4

evidence of a primary service-connected disability, and 3) an indication that the claimed secondary condition is associated with a service-connected primary disability.

The evidence does not show a current diagnosed disability. (38 CFR 3.159, 38 CFR 3.303)

Favorable Findings identified in this decision:

The claimed primary disability lumbosacral strain is service-connected.

2. Service connection for right leg radiculopathy as secondary to the service-connected disability of lumbosacral strain.

A claimant may file a supplemental claim by submitting or identifying new and relevant evidence. New evidence is evidence not previously part of the actual record before agency adjudicators. Relevant evidence means evidence that tends to prove or disprove a matter at issue in a claim. (38 CFR 3.2501) We have not received new or relevant medical evidence in support of your claim.

VA rating decision, dated May 23, 2022 denied your claim because evidence of record failed to show that this disability has been clinically diagnosed.

We acknowledge receipt of your lay statement and your attorney's statement, received on May 31, 2022.

The evidence does not support a change in our prior decision. Therefore, we are confirming the previous denial of this claim.

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) We did not find a link between your medical condition and military service. (38 CFR 3.303)

Service connection can also be established for a disability which is proximately due to or the result of a service-connected condition if the evidence shows that you have been medically diagnosed with a condition, and there is a relationship between the claimed condition and the service-connected condition. (38 CFR 3.310)

The examiner provided the following rationale: "The Veteran's claimed right leg radiculopathy is less likely than not proximately due to or the result of his claimed lower back condition. There is no objective evidence to support the diagnosis of a right leg radiculopathy condition.

A secondary grant of service connection requires 1) medical evidence of a current disability, 2) evidence of a primary service-connected disability, and 3) an indication that the claimed secondary condition is associated with a service-connected primary disability.



4 of 4

The evidence does not show a current diagnosed disability. (38 CFR 3.159, 38 CFR 3.303)

Favorable Findings identified in this decision:

The claimed primary disability lumbosacral strain is service-connected.

REFERENCES:

Title 38 of the Code of Federal Regulations, Pensions, Bonuses and Veterans' Relief contains the regulations of the Department of Veterans Affairs which govern entitlement to all Veteran benefits. For additional information regarding applicable laws and regulations, please consult your local library, or visit us at our website, www.va.gov.

