


ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
12/27/1978	12/31/1998	Navy	Honorable

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

**JURISDICTION:** Supplemental Claim Received 08/29/2022

**ASSOCIATED CLAIM(s):** 040; Supplemental Claim Rating; 08/29/2022

**SUBJECT TO COMPENSATION (1.SC)**

6006-6065      RIGHT EYE SCOTOMA AND CENTRAL SEROUS RETINOPATHY  
Service Connected, Peacetime, Incurred  
Static Disability  
30% from 10/29/2021, Earlier Effective Date Granted

5237            LUMBAR SPINE COMPRESSION FRACTURE T12  
Service Connected, Peacetime, Incurred  
Static Disability  
10% from 10/29/2021, Earlier Effective Date Granted

5260            LEFT KNEE ARTHROSCOPY WITH PARTIAL MEDIAL MENISCECTOMY WITH  
RESIDUAL PAIN AND DECREASED ROM  
Service Connected, Peacetime, Incurred  
Static Disability  
10% from 10/29/2021, Earlier Effective Date Granted

6260            TINNITUS  
Service Connected, Peacetime, Incurred  
Static Disability  
10% from 10/29/2021

6100            BILATERAL HEARING LOSS  
Service Connected, Gulf War, Incurred  
Static Disability




0% from 10/29/2021

7802 RESIDUAL SCAR FOLLOWING LEFT KNEE ARTHROSCOPY ASSOCIATED  
WITH LEFT KNEE ARTHROSCOPY WITH PARTIAL MEDIAL MENISCECTOMY  
WITH RESIDUAL PAIN AND DECREASED ROM  
Service Connected, Peacetime, Secondary  
Static Disability  
0% from 10/29/2021, Earlier Effective Date Granted

**COMBINED EVALUATION FOR COMPENSATION :**

50% from 10/29/2021

**NOT SERVICE CONNECTED/NOT SUBJECT TO COMPENSATION (8.NSCPeacetime)**

5201 LEFT SHOULDER IMPINGEMENT SYNDROME  
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 08/25/2022

5201 RIGHT SHOULDER IMPINGEMENT SYNDROME ASSOCIATED WITH LEFT  
SHOULDER IMPINGEMENT SYNDROME  
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 08/25/2022

5215 RIGHT WRIST CONDITION  
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 08/25/2022

5215 LEFT WRIST CONDITION  
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 08/25/2022

5237 CERVICAL STRAIN ASSOCIATED WITH LUMBAR SPINE COMPRESSION  
FRACTURE T12  
Not Service Connected, Peacetime, Not Incurred/Caused by Service




Original Date of Denial: 08/25/2022

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

, Confirmed and Continued Decision  
Original Date of Denial: 08/25/2022

6847 SLEEP APNEA ASSOCIATED WITH RHINITIS  
Not Service Connected, Peacetime, Not Incurred/Caused by Service

, Confirmed and Continued Decision  
Original Date of Denial: 08/25/2022

9435 DEPRESSION ASSOCIATED WITH BILATERAL HEARING LOSS  
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 08/25/2022

---

eSign: certified by VBAMUSKIRKC, RVSR





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

**Represented By:  
ANDREW J MCKEOWN  
Rating Decision  
01/26/2023**

**INTRODUCTION**

The records reflect that you are a Veteran of the Gulf War Era and Peacetime. You served in the Navy from December 27, 1978 to December 31, 1998. We received your supplemental claim on August 29, 2022. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

**DECISION**

1. The claim for service connection for rhinitis remains denied because the evidence submitted is not new and relevant.
2. The claim for service connection for sleep apnea remains denied because the evidence submitted is not new and relevant.

**EVIDENCE**

- Rating Decision, dated August 25, 2022



3 of 4

Favorable Findings identified in this decision:

The evidence shows that a qualifying event, injury, or disease had its onset during your service. Your service treatment record show you were treated for hay fever while in service.

## **2. Service connection for sleep apnea.**

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)

The evidence from Statement in Support of Supplemental Claim submitted in connection with the current claim does not constitute relevant evidence because it does not prove or disprove a matter at issue within your claim.

Rating decision dated August 25, 2022 previously denied your claim for sleep apnea due the condition no diagnosis, no event in service, and not secondary to your non service connected claimed issue of rhinitis. (38 CFR 3.159, 38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.310)

A review of that rating decision dated August 25, 2022, has been conducted and the decision is confirmed. (38 CFR 3.2500)

We received your VA Form 21-0995, along with a Statement in Support of Supplemental Claim, on August 29, 2022, requesting to reopen the previous denied decision.

Service connection may be granted for a disease or injury which resulted from a service-connected disability or was aggravated thereby. The evidence does not show that rhinitis is related to service. Therefore, service-connection for sleep apnea on a secondary basis to this condition cannot be established. There is also no evidence showing sleep apnea was incurred in or aggravated by military service. (38 CFR 3.303, 38 CFR 3.306, 38 CFR 3.310)

The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304)

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition.

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

There are no VAMC records or private treatment records that show a current diagnosis of sleep apnea.

We did not find a link between your medical condition and military service. (38 CFR 3.303)



4 of 4

The claim for service connection for sleep apnea remains denied because the evidence submitted is not new and relevant.

**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](http://www.va.gov).

