

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
01/10/1983	06/30/2004	Marine Corps	Honorable

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

JURISDICTION: New Claim Received 09/28/2022

ASSOCIATED CLAIM(s): 020; New/Increase; 09/28/2022

SUBJECT TO COMPENSATION (1.SC)

6847 SLEEP APNEA
Service Connected, Gulf War, Incurred
Static Disability
50% from 02/20/2009

5201 DEGENERATIVE JOINT DISEASE, RIGHT SHOULDER (NOW CLAIMED AS
RIGHT ROTATOR CUFF AND ARM CONDITION)
Service Connected, Gulf War, Incurred
Static Disability
10% from 02/20/2009 (5010)
20% from 08/08/2016 (5010-5201)
30% from 09/22/2020
30% from 02/07/2021

5213 RIGHT ELBOW DEGENERATIVE ARTHRITIS ARTHRITIS WITH TENDINITIS
WITH IMPAIRMENT OF SUPINATION AND PRONATION
Service Connected, Gulf War, Incurred
Static Disability
30% from 04/14/2022

7319 IRRITABLE BOWEL SYNDROME
Service Connected, Gulf War, Incurred
Static Disability



30% from 04/14/2022 -Intent To File

9435 MOOD DISORDER DUE TO KNOWN PHYSIOLOGICAL CONDITION WITH
DEPRESSIVE FEATURES. ASSOCIATED WITH SLEEP APNEA
Service Connected, Gulf War, Secondary
Static Disability
30% from 04/14/2022 -Intent To File

5206 RIGHT ELBOW DEGENERATIVE ARTHRITIS WITH TENDINITIS AND
LIMITATION OF FLEXION
Service Connected, Gulf War, Incurred
Static Disability
20% from 04/14/2022 -Intent To File

6260 TINNITUS
Service Connected, Peacetime, Incurred
Static Disability
10% from 02/20/2009
Original Date of Denial: 09/21/2009

5003-5215 LEFT WRIST DEGENERATIVE ARTHRITIS
Service Connected, Gulf War, Incurred
Static Disability
10% from 04/14/2022

5003-5229 RIGHT HAND (THUMB, INDEX, LONG FINGERS) DEGENERATIVE ARTHRITIS,
OTHER THAN POST TRAUMATIC
Service Connected, Gulf War, Incurred
Static Disability
10% from 04/14/2022 -Intent To File

5215-5003 RIGHT WRIST DEGENERATIVE ARTHRITIS, OTHER THAN POST-TRAUMATIC
Service Connected, Gulf War, Incurred
Static Disability
10% from 04/14/2022 -Intent To File

7101 HYPERTENSION
Service Connected, Gulf War, Incurred
Static Disability
0% from 09/22/2020

5003-5230 RIGHT RING FINGER DEGENERATIVE ARTHRITIS 4TH DIP JOINTS
Service Connected, Gulf War, Incurred
Static Disability
0% from 04/14/2022 -Intent To File

5003-5230 RIGHT LITTLE FINGER DEGENERATIVE ARTHRITIS S/P 5TH METACARPAL
FRACTURE



Service Connected, Gulf War, Incurred
Static Disability
0% from 04/14/2022 -Intent To File

5207 RIGHT ELBOW DEGENERATIVE ARTHRITIS WITH TENDINITIS AND
LIMITATION OF EXTENSION
Service Connected, Gulf War, Incurred
Static Disability
0% from 04/14/2022 -Intent To File

7522 ERECTILE DYSFUNCTION ASSOCIATED WITH HYPERTENSION
Service Connected, Peacetime, Secondary
Static Disability
0% from 04/14/2022

COMBINED EVALUATION FOR COMPENSATION :

60% from 02/20/2009
70% from 09/22/2020
100% from 04/14/2022 (Bilateral factor of 7.2 Percent for diagnostic codes 5003, 5229, 5206, 5213, 5215, 5201)

SPECIAL MONTHLY COMPENSATION :

K-1 Entitled to special monthly compensation under 38 U.S.C. 1114, subsection (k) and 38 CFR 3.350(a) on account of loss of use of a creative organ from 04/14/2022.

EFFECTIVE DATE	BASIC	HOSPITAL	LOSS OF USE	ANAT. LOSS	OTHER LOSS
04/14/2022	01	01	00	00	1

NOT SERVICE CONNECTED/NOT SUBJECT TO COMPENSATION (8.NSCPacetime)

5003-5271 DEGENERATIVE JOINT DISEASE LEFT ANKLE
Not Service Connected, Peacetime, Not Established by Presumption

Original Date of Denial: 07/23/2012

5237 DEGENERATIVE JOINT DISEASE, CERVICAL SPINE, DORSAL KYPHOSIS,
THORACIC SPINE AND DEGENERATIVE JOINT DISEASE, SACROILIAC JOINTS
(NOW CLAIMED AS SACROILITIS, ANKYLOSING SPONDYLITIS, AND NECK



CONDITION)

Not Service Connected, Peacetime, Not Established by Presumption

Original Date of Denial: 01/29/2010

5252 BILATERAL HIP STRAIN (CLAIMED AS ARTHRITIS, BILATERAL HIPS)
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 01/29/2010

5260 DEGENERATIVE JOINT DISEASE, RIGHT AND LEFT KNEE
Not Service Connected, Peacetime, Not Established by Presumption

Original Date of Denial: 09/21/2009

5271 ANKYLOSING SPONDYLITIS IN THE RIGHT ANKLE
Not Service Connected, Peacetime, Not Established by Presumption

Original Date of Denial: 04/16/2012

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

Original Date of Denial: 09/21/2009

6399-7806 ANAPHYLAXIS, CLAIMED AS ANAPHYLACTIC SHOCK, TREATMENTS FOR
BEE STINGS
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 09/21/2009

7720 ANEMIA
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 05/19/2021

8100 MIGRAINE HEADACHES
Not Service Connected, Peacetime, Not Incurred/Caused by Service



Original Date of Denial: 09/21/2009

ANCILLARY DECISIONS

Basic Eligibility under 38 USC Ch 35 from 04/14/2022

DEFERRED ISSUES - VETERAN

6512	SINUSITIS Deferred, Gulf War Static Disability
6522	RHINITIS Deferred Static Disability
7535	KIDNEY DYSFUNCTION Deferred, Gulf War Static Disability



eSign: certified by ADJKAHILL, RVSR

eSign: certified by ADJTWOLT, Rating Veterans Service Representative





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

**Represented By:
ANDREW J MCKEOWN
Rating Decision
02/03/2023**

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era and Peacetime. You served in the Marine Corps from January 10, 1983 to June 30, 2004. You filed a new claim for benefits that was received on September 28, 2022. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Service connection for Mood disorder due to known physiological condition with depressive features. is granted with an evaluation of 30 percent effective April 14, 2022.
2. Service connection for irritable bowel syndrome is granted with an evaluation of 30 percent effective April 14, 2022.
3. Service connection for right elbow degenerative arthritis with tendinitis with impairment of supination and pronation is granted with an evaluation of 30 percent effective April 14, 2022.
4. Service connection for right elbow degenerative arthritis with tendinitis and limitation of



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flexion is granted with an evaluation of 20 percent effective April 14, 2022.

5. Service connection for left wrist degenerative arthritis is granted with an evaluation of 10 percent effective April 14, 2022.

6. Service connection for right hand (thumb, index, long fingers) degenerative arthritis, other than post traumatic is granted with an evaluation of 10 percent effective April 14, 2022.

7. Service connection for right wrist degenerative arthritis, other than post-traumatic is granted with an evaluation of 10 percent effective April 14, 2022.

8. Service connection for right elbow degenerative arthritis with tendinitis and limitation of extension is granted with an evaluation of 0 percent effective April 14, 2022.

9. Service connection for right little finger degenerative arthritis s/p 5th metacarpal fracture (claimed as right hand condition) is granted with an evaluation of 0 percent effective April 14, 2022.

10. Service connection for right ring finger degenerative arthritis 4th DIP joints (claimed as right hand condition) is granted with an evaluation of 0 percent effective April 14, 2022.

11. Service connection for erectile dysfunction is granted with an evaluation of 0 percent effective April 14, 2022.

12. Entitlement to special monthly compensation based on loss of use of a creative organ is granted from April 14, 2022.

13. Basic eligibility to Dependents' Educational Assistance based on permanent and total disability status is established from April 14, 2022.

14. A decision on entitlement to compensation for sinusitis is deferred.

15. A decision on entitlement to compensation for rhinitis is deferred.

16. A decision on entitlement to compensation for kidney dysfunction is deferred.

EVIDENCE

- VA Form 21-0966, Intent To File A Claim For Compensation and/or Pension, or Survivors Pension and/or DIC, received April 14, 2022
- VA Form 21-22a, Appointment of Individual as Claimant's Representative, Andrew J. McKeown, received April 14, 2022
- VA Form 21-4138, Statement in Support of Claim, received April 14, 2022



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- Circumstantial, circumlocutory, or stereotyped speech
- Panic attacks more than once a week
- Difficulty in understanding complex commands
- Impairment of short- and long-term memory (e.g., retention of only highly learned material, forgetting to complete tasks)
- Impaired judgment
- Impaired abstract thinking
- Disturbances of motivation and mood
- Difficulty in establishing and maintaining effective work and social relationships. (38 CFR 4.125, 38 CFR 4.126, 38 CFR 4.130)

2. Service connection for irritable bowel syndrome.

Service connection for irritable bowel syndrome has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304)

The effective date of this grant is April 14, 2022. Service connection has been established from the day VA received your intent to file (ITF) a claim for compensation. When a claim of service connection is received more than one year after discharge from active duty, the effective date is the date VA receives the intent to file when a prescribed form is received within a year of the ITF. (38 CFR 3.155, 38 CFR 3.400)

An evaluation of 30 percent is assigned from April 14, 2022.

We have assigned a 30 percent evaluation for your irritable bowel syndrome based on:

- Abdominal distress
- Alternating diarrhea and constipation
- Diarrhea

Additional symptom(s) include:

- Disturbances of bowel function
- Frequent episodes of bowel disturbance

This is the highest schedular evaluation allowed under the law for irritable bowel syndrome. (38 CFR 4.113, 38 CFR 4.114)

3. Service connection for right elbow degenerative arthritis with tendinitis with impairment of supination and pronation.

Service connection for right elbow degenerative arthritis with tendinitis with impairment of supination and pronation has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304)

The effective date of this grant is April 14, 2022. Service connection has been established from the day VA received your intent to file (ITF) a claim for compensation. When a claim of service



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connection is received more than one year after discharge from active duty, the effective date is the date VA receives the intent to file when a prescribed form is received within a year of the ITF. (38 CFR 3.155, 38 CFR 3.400)

An evaluation of 30 percent is assigned from April 14, 2022.

We have assigned a 30 percent evaluation for your right elbow condition based on:

- Limitation of pronation: motion lost beyond middle of arc

Additional symptom(s) include:

- Extension limited to less than 45 degrees
- Limitation of supination greater than 30 degrees
- Limitation of supination to 30 degrees or less
- Painful motion of the elbow
- Painful motion of the forearm

The provisions of 38 CFR §4.40 and §4.45 concerning functional loss due to pain, fatigue, weakness, or lack of endurance, incoordination, and flare-ups, as cited in DeLuca v. Brown and Mitchell v. Shinseki, have been considered and are not warranted.

A higher evaluation of 40 percent is not warranted for impairment of supination and pronation unless the evidence shows:

- The hand fixed in hyperpronation; or,
- The hand fixed in supination. (38 CFR 4.69, 38 CFR 4.71a)

4. Service connection for right elbow degenerative arthritis with tendinitis and limitation of flexion.

Service connection for right elbow degenerative arthritis with tendinitis and limitation of flexion has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304)

The effective date of this grant is April 14, 2022. Service connection has been established from the day VA received your intent to file (ITF) a claim for compensation. When a claim of service connection is received more than one year after discharge from active duty, the effective date is the date VA receives the intent to file when a prescribed form is received within a year of the ITF. (38 CFR 3.155, 38 CFR 3.400)

An evaluation of 20 percent is assigned from April 14, 2022.

We have assigned a 20 percent evaluation for your right elbow based on:

- Flexion is limited to 71-90 degrees

Additional symptom(s) include:

- Extension limited to less than 45 degrees
- Limitation of pronation: motion lost beyond middle of arc



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weakness, or lack of endurance, incoordination, and flare-ups, as cited in DeLuca v. Brown and Mitchell v. Shinseki, have been considered and applied under 38 CFR §4.59.

This is the highest schedular evaluation allowed under the law for limited motion of the wrist. (38 CFR 4.69, 38 CFR 4.71a)

Additionally, a higher evaluation of 20 percent is not warranted for degenerative arthritis, other than post-traumatic unless the evidence shows:

- X-ray evidence of involvement of two or more major joints or two or more minor joint groups, with occasional incapacitating exacerbations. (38 CFR 4.69, 38 CFR 4.71a)

Additionally, a higher evaluation of 20 percent is not warranted for ankylosis of the wrist unless the evidence shows:

- Favorable ankylosis in 20 degrees to 30 degrees of dorsiflexion. (38 CFR 4.69, 38 CFR 4.71a)

6. Service connection for right hand (thumb, index, long fingers) degenerative arthritis, other than post traumatic.

Service connection for right hand (thumb, index, long fingers) degenerative arthritis, other than post traumatic has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304)

The effective date of this grant is April 14, 2022. Service connection has been established from the day VA received your intent to file (ITF) a claim for compensation. When a claim of service connection is received more than one year after discharge from active duty, the effective date is the date VA receives the intent to file when a prescribed form is received within a year of the ITF. (38 CFR 3.155, 38 CFR 3.400)

An evaluation of 10 percent is assigned from April 14, 2022.

We have assigned a 10 percent evaluation for your right hand condition based on:

- Painful motion of the index finger

Additional symptom(s) include:

- Objective evidence of fatigue
- Objective evidence of weakness

Because the hand allows multiple digits to be combined into a single diagnostic code, it is necessary to include all possible higher digit-combination criteria.

The provisions of 38 CFR §4.40 and §4.45 concerning functional loss due to pain, fatigue, weakness, or lack of endurance, incoordination, and flare-ups, as cited in DeLuca v. Brown and Mitchell v. Shinseki, have been considered and applied under 38 CFR §4.59.



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This is the highest schedular evaluation allowed under the law for limitation of motion of the index finger. (38 CFR 4.69, 38 CFR 4.71a)

Additionally, a higher evaluation of 20 percent is not warranted for degenerative arthritis, other than post-traumatic unless the evidence shows:

- With X-ray evidence of involvement of two or more major joints or two or more minor joint groups, with occasional incapacitating exacerbations. (38 CFR 4.69, 38 CFR 4.71a)

Additionally, a higher evaluation of 20 percent is not warranted for the dominant hand unless the evidence shows:

- Amputation of the index finger without metacarpal resection, at proximal interphalangeal joint or proximal thereto; or,
- Amputation of the little finger with metacarpal resection (more than one-half the bone lost); or,
- Amputation of the long finger with metacarpal resection (more than one-half the bone lost); or,
- Amputation of the ring finger with metacarpal resection (more than one-half the bone lost); or,
- Amputation of the thumb at distal joint or through distal phalanx; or,
- Favorable ankylosis involving the index finger and any other finger; or,
- Favorable ankylosis involving the long, ring and little fingers; or,
- Limited motion of the thumb: with a gap of more than two inches (5.1 cm.) between the thumb pad and the fingers, with the thumb attempting to oppose the fingers; or,
- Unfavorable ankylosis involving the long and little fingers; or,
- Unfavorable ankylosis involving the long and ring fingers; or,
- Unfavorable ankylosis involving the ring and little fingers; or,
- Unfavorable ankylosis of the thumb. (38 CFR 4.69, 38 CFR 4.71a)

7. Service connection for right wrist degenerative arthritis, other than post-traumatic.

Service connection for right wrist degenerative arthritis, other than post-traumatic has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304)

The effective date of this grant is April 14, 2022. Service connection has been established from the day VA received your intent to file (ITF) a claim for compensation. When a claim of service connection is received more than one year after discharge from active duty, the effective date is the date VA receives the intent to file when a prescribed form is received within a year of the ITF. (38 CFR 3.155, 38 CFR 3.400)

An evaluation of 10 percent is assigned from April 14, 2022.

We have assigned a 10 percent evaluation for your right wrist condition based on:

- X-ray evidence of degenerative arthritis along with any limitation of motion of the joint

Additional symptom(s) include:

- A diagnosed disability with no compensable symptoms
- Dorsiflexion limited to 15 degrees or beyond
- Objective evidence of fatigue



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- Objective evidence of weakness
- Palmar flexion limited, but not in line with forearm
- X-ray evidence of degenerative arthritis

The provisions of 38 CFR §4.40 and §4.45 concerning functional loss due to pain, fatigue, weakness, or lack of endurance, incoordination, and flare-ups, as cited in *DeLuca v. Brown and Mitchell v. Shinseki*, have been considered and are not warranted.

This is the highest schedular evaluation allowed under the law for limited motion of the wrist. (38 CFR 4.69, 38 CFR 4.71a)

Additionally, a higher evaluation of 20 percent is not warranted for degenerative arthritis, other than post-traumatic unless the evidence shows:

- X-ray evidence of involvement of two or more major joints or two or more minor joint groups, with occasional incapacitating exacerbations. (38 CFR 4.69, 38 CFR 4.71a)

Additionally, a higher evaluation of 30 percent is not warranted for ankylosis of the wrist unless the evidence shows:

- Favorable ankylosis in 20 degrees to 30 degrees of dorsiflexion. (38 CFR 4.69, 38 CFR 4.71a)

8. Service connection for right elbow degenerative arthritis with tendinitis and limitation of extension.

Service connection for right elbow degenerative arthritis with tendinitis and limitation of extension has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304)

The effective date of this grant is April 14, 2022. Service connection has been established from the day VA received your intent to file (ITF) a claim for compensation. When a claim of service connection is received more than one year after discharge from active duty, the effective date is the date VA receives the intent to file when a prescribed form is received within a year of the ITF. (38 CFR 3.155, 38 CFR 3.400)

A noncompensable evaluation is assigned from April 14, 2022.

We have assigned a 0 percent evaluation for your elbow based on:

- Extension limited to less than 45 degrees

Additional symptom(s) include:

- Limitation of pronation: motion lost beyond middle of arc
- Limitation of supination greater than 30 degrees
- Limitation of supination to 30 degrees or less
- Painful motion of the elbow

The provisions of 38 CFR §4.40 and §4.45 concerning functional loss due to pain, fatigue,



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or proximal thereto; or,

- Amputation of the long finger without metacarpal resection, at proximal interphalangeal joint or proximal thereto; or,
- Amputation of the ring finger without metacarpal resection, at proximal interphalangeal joint or proximal thereto; or,
- Favorable ankylosis involving the long and little fingers; or,
- Favorable ankylosis involving the long and ring fingers; or,
- Favorable ankylosis involving the ring and little fingers; or,
- Favorable ankylosis involving the thumb; or,
- Favorable or unfavorable ankylosis involving the index finger; or,
- Favorable or unfavorable ankylosis involving the long finger; or,
- Limited motion of the index or long finger: with extension limited by more than 30 degrees; or,
- Limited motion of the index or long finger: with gap of one inch (2.5 cm.) or more between the fingertip and the proximal transverse crease of the palm, with the finger flexed to the extent possible; or,
- Limited motion of the thumb: with a gap of one to two inches (2.5 to 5.1 cm.) between the thumb pad and the fingers, with the thumb attempting to oppose the fingers; or,
- Painful motion of the thumb, index finger, or long finger. (38 CFR 4.69, 38 CFR 4.71a)

10. Service connection for right ring finger degenerative arthritis 4th DIP joints (claimed as right hand condition).

Service connection for right ring finger degenerative arthritis 4th DIP joints has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304)

The effective date of this grant is April 14, 2022. Service connection has been established from the day VA received your intent to file (ITF) a claim for compensation. When a claim of service connection is received more than one year after discharge from active duty, the effective date is the date VA receives the intent to file when a prescribed form is received within a year of the ITF. (38 CFR 3.155, 38 CFR 3.400)

A noncompensable evaluation is assigned from April 14, 2022.

We have assigned a 0 percent evaluation for your finger based on:

- Painful motion of the ring finger

Because the hand allows multiple digits to be combined into a single diagnostic code, it is necessary to include all possible higher digit-combination criteria.

The provisions of 38 CFR §4.40 and §4.45 concerning functional loss due to pain, fatigue, weakness, or lack of endurance, incoordination, and flare-ups, as cited in *DeLuca v. Brown* and *Mitchell v. Shinseki* have been considered and are not warranted.

This is the highest schedular evaluation allowed under the law for limitation of motion of the



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ring finger. (38 CFR 4.69, 38 CFR 4.71a)

Additionally, a higher evaluation of 10 percent is not warranted for degenerative arthritis, other than post-traumatic unless the evidence shows:

- With X-ray evidence of involvement of two or more major joints or two or more minor joint groups; or,
- X-ray evidence of arthritis along with any limitation of motion. (38 CFR 4.69, 38 CFR 4.71a)

Additionally, a higher evaluation of 10 percent is not warranted for the dominant hand unless the evidence shows:

- Amputation of the index finger through long phalanx or at distal joint; or,
- Amputation of the little finger without metacarpal resection, at proximal interphalangeal joint or proximal thereto; or,
- Amputation of the long finger without metacarpal resection, at proximal interphalangeal joint or proximal thereto; or,
- Amputation of the ring finger without metacarpal resection, at proximal interphalangeal joint or proximal thereto; or,
- Favorable ankylosis involving the long and little fingers; or,
- Favorable ankylosis involving the long and ring fingers; or,
- Favorable ankylosis involving the ring and little fingers; or,
- Favorable ankylosis involving the thumb; or,
- Favorable or unfavorable ankylosis involving the index finger; or,
- Favorable or unfavorable ankylosis involving the long finger; or,
- Limited motion of the index or long finger: with extension limited by more than 30 degrees; or,
- Limited motion of the index or long finger: with gap of one inch (2.5 cm.) or more between the fingertip and the proximal transverse crease of the palm, with the finger flexed to the extent possible; or,
- Limited motion of the thumb: with a gap of one to two inches (2.5 to 5.1 cm.) between the thumb pad and the fingers, with the thumb attempting to oppose the fingers; or,
- Painful motion of the thumb, index finger, or long finger. (38 CFR 4.69, 38 CFR 4.71a)

11. Service connection for erectile dysfunction as secondary to the service-connected disability of hypertension.

Service connection for erectile dysfunction has been established as related to the service-connected disability of hypertension. (38 CFR 3.303, 38 CFR 3.310)

A noncompensable evaluation is assigned from April 14, 2022.

We have assigned a noncompensable evaluation for your erectile dysfunction based on:

- Erectile dysfunction, with penile deformity
- Erectile dysfunction, without penile deformity (38 CFR 4.31)

This is the highest schedular evaluation allowed under the law for erectile dysfunction, with or without penile deformity. (38 CFR 4.115b)



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12. Entitlement to special monthly compensation based on loss of use.

Entitlement to special monthly compensation is warranted in this case because criteria regarding loss of use of a creative organ were met from April 14, 2022. (38 CFR 3.350, 38 CFR 3.400, 38 CFR 3.401)

13. Eligibility to Dependents' Educational Assistance under 38 U.S.C. Chapter 35 based on permanent and total disability status.

Eligibility for Dependents' Educational Assistance is derived from a Veteran who was discharged under other than dishonorable conditions; and has permanent and total service-connected disability(ies); or permanent and total disability(ies) existed at the time of death; or the Veteran died as a result of service-connected disability(ies). Also, eligibility exists for a service member who died in service. Finally, eligibility can be derived from a service member who, as a member of the armed forces on active duty, has been listed for more than 90 days as missing in action; captured in line of duty by a hostile force; or forcibly detained or interned in line of duty by a foreign government or power. (38 USC Chapter 35, 38 CFR 3.807, 38 CFR 21.3021)

Basic eligibility for Dependents' Educational Assistance is granted as the evidence shows you currently have a totally disabling service-connected disability or disabilities, permanent in nature. (38 USC Chapter 35, 38 CFR 3.807, 38 CFR 21.3021)

Evidence we have used to grant permanent and total disability status:

Eligibility to Dependents' Educational Assistance is derived from a Veteran who has a permanent and total service-connected disability; or a permanent and total disability was in existence at the time of death; or the Veteran died as a result of a service-connected disability. Also, eligibility exists for a serviceperson who died in service. Basic eligibility to Dependents' Education Assistance is granted and is effective from April 14, 2022. (38 USC 35).

14. Compensation for sinusitis.

The issue of compensation for sinusitis is deferred for the following information: medical opinion needed

15. Compensation for rhinitis.

The issue of compensation for rhinitis is deferred for the following information: medical opinion needed

16. Compensation for kidney dysfunction.

The issue of compensation for kidney dysfunction is deferred for the following information: additional development



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.

