

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
11/18/1987	11/30/2007	Air Force	Honorable

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

JURISDICTION: New Claim Received 12/29/2022

040; Supplemental Claim Rating; 03/29/2023

ASSOCIATED CLAIM(s):

020; New/Increase; 12/29/2022

SUBJECT TO COMPENSATION (1.SC)

9440 ADJUSTMENT DISORDER WITH DEPRESSED MOOD ASSOCIATED WITH LEFT SHOULDER TENDINITIS (PREVIOUSLY RATED UNDER DIAGNOSTIC CODE 5201 AND 5201-5019)
Service Connected, Gulf War, Secondary
Static Disability
50% from 01/14/2020

5276 BILATERAL PLANTAR FASCIITIS
Service Connected, Peacetime, Incurred
Static Disability
30% from 11/03/2020
Original Date of Denial: 06/23/2008

5201 LEFT SHOULDER TENDINITIS (PREVIOUSLY RATED UNDER DIAGNOSTIC CODE 5201 AND 5201-5019)
Service Connected, Gulf War, Incurred
Static Disability
10% from 06/26/2015 (5201-5019)
20% from 03/03/2017 (5019-5201)
20% from 03/19/2019

6035-6066 KERATOCONUS



Service Connected, Gulf War, Incurred
Static Disability
30% from 12/01/2007 (6035)
0% from 11/01/2017 (6035)
20% from 01/25/2021

5206 RIGHT LATERAL EPICONDYLITIS
Service Connected, Gulf War, Incurred
Static Disability
20% from 07/22/2022 -Intent To File

5024-5201 LEFT SHOULDER TENDINITIS
Service Connected, Gulf War, Incurred
Static Disability
10% from 12/01/2007 to 06/26/2015 (5099-5024)
20% from 12/29/2022

7899-7806 HERPES SIMPLEX TYPE II WITH ACNEFORM DERMATITIS, KERATOSIS
PILARIS, AND FOLLICULITIS BARBAE (PREVIOUSLY EVALUATED
SEPARATELY)
Service Connected, Gulf War, Incurred
Static Disability
10% from 12/01/2007

7399-7346 GASTROESOPHAGEAL REFLUX DISEASE WITH IRRITABLE BOWEL
SYNDROME (IBS)
Service Connected, Gulf War, Incurred
Static Disability
0% from 12/01/2007
10% from 07/21/2016

6260 TINNITUS
Service Connected, Gulf War, Incurred
Static Disability
10% from 08/03/2020

6522 ALLERGIC RHINITIS [Gulf War Presumptive 3.320/Particulate Matter]
Service Connected, Gulf War, Presumptive
Static Disability
10% from 01/20/2023

7101 HYPERTENSION
Service Connected, Gulf War, Incurred
Static Disability
0% from 12/01/2007

7522 ERECTILE DYSFUNCTION ASSOCIATED WITH HYPERTENSION



Service Connected, Gulf War, Secondary
 Static Disability
 0% from 07/22/2022 -Intent To File

COMBINED EVALUATION FOR COMPENSATION :

40% from 12/01/2007
 50% from 07/21/2016
 60% from 03/03/2017
 40% from 11/01/2017
 70% from 01/14/2020
 80% from 11/03/2020
 90% from 07/22/2022 (Bilateral factor of 5.5 Percent for diagnostic codes 5206, 5201, 5276)
 90% from 12/29/2022 (Bilateral factor of 6.4 Percent for diagnostic codes 5206, 5201, 5201, 5276)

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 07/22/2022.

EFFECTIVE DATE	BASIC	HOSPITAL	LOSS OF USE	ANAT. LOSS	OTHER LOSS
07/22/2022	01	01	00	00	1

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

5201 RIGHT SHOULDER STRAIN
 Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 03/03/2023

5206 LEFT ELBOW CONDITION
 Not Service Connected, No Diagnosis

5237 NECK/UPPER BACK (CERVICAL SPINE)
 Not Service Connected, Peacetime, Not Established by Presumption

Original Date of Denial: 05/08/2017



5276 BILATERAL PES PLANUS
Not Service Connected, Peacetime, No Diagnosis

Original Date of Denial: 11/30/2015

5299-5206 LEFT ELBOW CONDITION
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 03/03/2023

6313 VITAMIN D DEFICIENCY
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 11/30/2015

6512 SINUSITIS (PARTICULATE EXPOSURE) [Gulf War Presumptive 3.320/Particulate Matter]
Not Service Connected, Peacetime, Not Established by Presumption

Original Date of Denial: 03/03/2023

6847 SLEEP APNEA SYNDROMES
Not Service Connected, Peacetime, Not Incurred/Caused by Service

Original Date of Denial: 03/14/2015

7599-7502 KIDNEY DYSFUNCTION (SECONDARY TO HTN) ASSOCIATED WITH HYPERTENSION
Not Service Connected, Peacetime, Not Secondary Static Disability

Original Date of Denial: 03/03/2023

7800 SURGICAL SCAR ON NECK
Not Service Connected, Peacetime, Not Aggravated by Service

Original Date of Denial: 06/23/2008

7806 ECZEMA
Not Service Connected, Peacetime, No Diagnosis



Original Date of Denial: 11/30/2015

7820

PITYRIASIS ROSEA

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

Original Date of Denial: 11/30/2015

7825

URTICARIA

Not Service Connected, Peacetime, No Diagnosis

Original Date of Denial: 06/23/2008

7903

HYPOTHYROIDISM STATUS POST PARTIAL THYROIDECTOMY FOR
TREATMENT OF HYPERTHYROIDISM (GRAVE'S DISEASE)

Not Service Connected, Peacetime, Not Aggravated by Service

Original Date of Denial: 06/23/2008

8100

HEADACHES ASSOCIATED WITH HYPERTENSION

Not Service Connected, Peacetime, Not Secondary

Original Date of Denial: 11/30/2015

8515

RIGHT CARPAL TUNNEL SYNDROME

Not Service Connected, Peacetime, No Diagnosis

Original Date of Denial: 11/30/2015

8515

LEFT CARPAL TUNNEL SYNDROME

Not Service Connected, Peacetime, No Diagnosis

Original Date of Denial: 07/11/2018





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

**Represented By:
ANDREW J MCKEOWN
Rating Decision
04/10/2023**

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era and Peacetime. You served in the Air Force from November 18, 1987 to November 30, 2007. You filed a new claim for benefits that was received on December 29, 2022, as well as a supplemental claim on March 29, 2023. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Service connection for right lateral epicondylitis (claimed as right elbow condition) is granted with an evaluation of 20 percent effective July 22, 2022.
2. Service connection for erectile dysfunction is granted with an evaluation of 0 percent effective July 22, 2022.
3. Entitlement to special monthly compensation based on loss of use of a creative organ is granted from July 22, 2022.



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4. Service connection for left elbow condition is denied.

EVIDENCE

- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, received December 29, 2022
- VA Form 21-0966, Intent To File A Claim For Compensation and/or Pension, or Survivors Pension and/or DIC, received July 22, 2022
- Veteran's Statement for Left Elbow Condition, received March 29, 2023
- VA Form 20-0995, Decision Review Request - Supplemental Claims, received March 29, 2023
- Disability Benefit Questionnaire and Medical Opinion, VES, MUSC, Elbow and Forearm Conditions, received March 31, 2023, conducted March 28, 2023
- Outpatient Treatment Records, Washington VAMC, received April 10, 2023, for the period October 15, 2007 to February 19, 2020
- Service Treatment Records, received October 19, 2007, for the period November 18, 1987 to November 30, 2007
- Service Treatment Records, received March 6, 2008 and June 19, 2008, for the period November 18, 1987 to November 30, 2007

REASONS FOR DECISION

1. Service connection for right lateral epicondylitis (claimed as right elbow condition).

Service connection for right lateral epicondylitis (claimed as right elbow condition) has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304)

The effective date of this grant is July 22, 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 July 22, 2022.

We have assigned a 20 percent evaluation for your right lateral epicondylitis (claimed as right elbow condition) based on:

- Flexion is limited to 71-90 degrees

Additional symptom(s) include:



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- Painful motion of the elbow

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 30 percent is not warranted for limitation of flexion of the forearm unless the evidence shows:

- Flexion is limited to 56-70 degrees. (38 CFR 4.69, 38 CFR 4.71a)

2. 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)

VA examination dated March 28, 2023, shows a diagnosis for erectile deformity. Your VA examiner noted, "The veteran is service connected for hypertension. He has stated that he has noticed progressively worsening erectile dysfunction since his hypertension diagnosis. The medical literature does support the association between high blood pressure and erectile dysfunction. In the International Journal of Hypertension it is noted "Erectile dysfunction (ED) is a common complaint in hypertensive men and can represent a systemic vascular disease, an adverse effect of antihypertensive medication or a frequent concern that may impair drug compliance. ED has been considered an early marker of cardiovascular disease. The connection between both conditions seems to be located in the endothelium, which may become unable to generate the necessary dilatation in penile vascular bed in response to sexual excitement, producing persistent impairment in erection. As such, the claimed condition is at least as likely as not (50 percent or greater probability) proximately due to or the result of the Veteran's service connected condition."

The effective date of this grant is July 22, 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 July 22, 2022.

We have assigned a noncompensable evaluation for your Erectile Dysfunction based on:

- 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)

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



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Entitlement to special monthly compensation is warranted in this case because criteria regarding loss of use of a creative organ were met from July 22, 2022. (38 CFR 3.350, 38 CFR 3.400, 38 CFR 3.401)

Entitlement to special monthly compensation based on loss of use of a creative organ is being granted in correlation with your service-connected erectile dysfunction.

4. Service connection for left elbow condition.

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)

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 you submitted on March 29, 2023 noting your symptoms of your left elbow conditions does not relevant evidence because it does not prove or disprove a matter at issue within your claim.

Service connection may be granted for a disability which began in military service or was caused by some event or experience in service. Service connection for left elbow condition is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed. (38 CFR 3.303, 38 CFR 3.304)

Service connection may be granted for a disability which began in military service or was caused by some event or experience in service. (38 CFR 3.303)

Service connection for left elbow condition is denied since this condition neither occurred in nor was caused by service. (38 CFR 3.303, 38 CFR 3.304)

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)

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

Your service treatment records were reviewed and showed no diagnosis for left elbow conditions. Your Washington VAMC records were also reviewed and showed no diagnosis for left elbow conditions and was silent for a diagnosis for left elbow pain or left elbow conditions. Therefore, there is no link between your claimed disability for left elbow condition and your military service.



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Favorable Findings identified in this decision: None.

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.

