


ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
11/17/1997	12/02/2006	Marine Corps	Honorable

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

**JURISDICTION:** New Claim Received 07/11/2022

**ASSOCIATED CLAIM(s):** 020; New/Increase; 07/11/2022

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

9413 OTHER SPECIFIED TRAUMA AND STRESSOR RELATED DISORDER  
Service Connected, Gulf War, Incurred  
Static Disability  
10% from 03/17/2014  
30% from 01/05/2022 -Intent To File

5299-5237 LOW BACK STRAIN  
Service Connected, Gulf War, Incurred  
Static Disability  
10% from 12/03/2006, Deferred Evaluation  
Original Date of Denial: 01/14/2008

6260 TINNITUS  
Service Connected, Gulf War, Incurred-COMBAT  
  
10% from 12/03/2006

7804 RIGHT SHOULDER CYST REMOVAL RESIDUALS  
Service Connected, Gulf War, Incurred  
Static Disability  
10% from 12/03/2006, Deferred Evaluation  
Original Date of Denial: 01/14/2008

7802 STATUS POST RIGHT THUMB LACERATION WITH RESIDUALS

MLIETL9E




Service Connected, Gulf War, Incurred  
 Static Disability  
 0% from 01/05/2022 -Intent To File

**COMBINED EVALUATION FOR COMPENSATION :**

30% from 12/03/2006  
 50% from 01/05/2022

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

5260-5261 LEFT KNEE INJURY RESIDUALS  
 Not Service Connected, Not Incurred/Caused by Service

Original Date of Denial: 01/14/2008

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

Original Date of Denial: 01/14/2008

6201 RESIDUALS OF EAR INFECTION  
 Not Service Connected, Not Incurred/Caused by Service

Original Date of Denial: 01/14/2008

6599-6511 SINUSITIS  
 Not Service Connected, Not Incurred/Caused by Service

Original Date of Denial: 01/14/2008

7820 LEFT LEG INSECT BITE RESIDUALS  
 Not Service Connected, Not Incurred/Caused by Service

Original Date of Denial: 01/14/2008

8100 HEADACHES  
 Not Service Connected, No Diagnosis




Original Date of Denial: 02/12/2015

8850-5025 FIBROMYALGIA [Environmental Hazard in Gulf War/Undiagnosed Illness]  
Not Service Connected, No Diagnosis

Original Date of Denial: 02/12/2015

8866-6602 UPPER RESPIRATORY CONDITION/TROUBLE BREATHING [Environmental  
Hazard in Gulf War/Undiagnosed Illness]  
Not Service Connected, No Diagnosis

Original Date of Denial: 02/12/2015

8885-8515 PERIPHERAL NEUROPATHY, RIGHT HAND AND ARM [Environmental Hazard in  
Gulf War/Undiagnosed Illness]  
Not Service Connected, No Diagnosis

Original Date of Denial: 02/12/2015

9411 POST TRAUMATIC STRESS DISORDER [PTSD/Medical/Veteran Evidence]  
Not Service Connected, No Diagnosis

Original Date of Denial: 01/14/2008

9499-9435 SLEEP DISORDER  
Not Service Connected, No Diagnosis

Original Date of Denial: 02/12/2015

#### **DEFERRED ISSUES - VETERAN**

5237 NECK CONDITION SECONDARY BACK CONDITION  
Deferred

5260 RIGHT KNEE CONDITION  
Deferred

5260 LEFT SHOULDER CONDITION  
Deferred




6522 RHINITIS  
Deferred

8520 RIGHT LEG RADICULOPATHY SECONDARY TO BACK  
Deferred

8520 LEFT LEG RADICULOPATHY SECONDARY TO BACK  
Deferred

Deferred Evaluation - low back strain

Deferred Evaluation - right shoulder cyst removal residuals

Rhinitis due to Particulate Matter: The veteran has been out of service more than 10 years. Continue at authorization for PACT ACT.

eSign: certified by VSCOFIND, RVSR





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

**Represented By:  
ANDREW J MCKEOWN  
Rating Decision  
08/26/2022**

**INTRODUCTION**

The records reflect that you are a Veteran of the Gulf War Era. You served in the Marine Corps from November 17, 1997 to December 2, 2006. You filed a new claim for benefits that was received on July 11, 2022. Based on a review of the evidence listed below, we have made the following decisions on your claim.

**DECISION**

1. Evaluation of other specified trauma and stressor related disorder, which is currently 10 percent disabling, is increased to 30 percent effective January 5, 2022.
2. Service connection for status post right thumb laceration with residuals is granted with an evaluation of 0 percent effective January 5, 2022.
3. A decision on entitlement to compensation for left shoulder condition is deferred.
4. A decision on entitlement to compensation for neck condition secondary back condition is deferred.



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5. A decision on entitlement to compensation for right knee condition is deferred.
6. A decision on entitlement to compensation for right leg radiculopathy secondary to back is deferred.
7. A decision on entitlement to compensation for left leg radiculopathy secondary to back is deferred.
8. A decision on entitlement to compensation for rhinitis is deferred.
9. The claim for an increased evaluation for low back strain is deferred.
10. The claim for an increased evaluation for right shoulder cyst removal residuals is deferred.

### **EVIDENCE**

- Intent To File For Compensation, received January 5, 2022
- VA Form 21-526EZ Application for Disability Compensation and Related Compensation Benefits, received July 11, 2022
- Service treatment records received on December 1, 2006 and May 1, 2014, for the period November 17, 1997 to December 2, 2006
- VAMC (Veterans Affairs Medical Center) treatment records, San Antonio, for the period February 16, 2007 to December 20, 2021
- Disability Benefit Questionnaires with Medical Opinions, Logistics Health, dated July 28, 2022

### **REASONS FOR DECISION**

#### **1. Evaluation of other specified trauma and stressor related disorder currently evaluated as 10 percent disabling.**

The evaluation of other specified trauma and stressor related disorder is increased to 30 percent disabling effective January 5, 2022. (38 CFR 4.1, 38 CFR 3.400)

The effective date of this grant is January 5, 2022. The increased evaluation has been established from the day VA received your intent to file (ITF) a claim for compensation. (38 CFR 3.155, 38 CFR 3.400)

We have assigned a 30 percent evaluation for your other specified trauma and stressor related disorder based on:

- Depressed mood
- Impaired impulse control
- Occupational and social impairment due to mild or transient symptoms which decrease work



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efficiency and ability to perform occupational tasks only during periods of significant stress

- Suspiciousness
- Unprovoked irritability with periods of violence

The overall evidentiary record shows that the severity of your disability most closely approximates the criteria for a 30 percent disability evaluation. (38 CFR 4.7, 38 CFR 4.126)

A higher evaluation of 50 percent is not warranted for a mental disorder unless the evidence shows occupational and social impairment with reduced reliability and productivity due to such symptoms as:

- Flattened affect
- 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 status post right thumb laceration with residuals.**

Service connection for status post right thumb laceration with residuals has been established as directly related to military service. (38 CFR 3.303, 38 CFR 3.304)

The effective date of this grant is January 5, 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 January 5, 2022.

We have assigned a 0 percent evaluation for your status post right thumb laceration with residuals based on:

- Right upper extremity: area or areas less than 144 square inches (929 sq. cm.) (Not associated with underlying soft tissue damage)

Additional symptom(s) include:

- Scar 1 Location: Right upper extremity
- Scar 1 type: scar

Note: In every instance where the schedule does not provide a zero percent evaluation for a



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diagnostic code, a zero percent evaluation shall be assigned when the requirements for a compensable evaluation are not met. {38 CFR §4.31}

Your first scar/area has a length of 1.5 cm and a width of 0.1 cm for a total area of 0.15 sq. cm.

An additional, separate compensable evaluation under Diagnostic Code 7804 is not warranted unless there is at least one scar that is painful or unstable. (38 CFR 4.118)

A higher evaluation of 10 percent is not warranted for burn scar(s) or scar(s) due to other causes, not of the head, face, or neck, that are not associated with underlying soft tissue damage (right upper extremity) unless the evidence shows:

- Area or areas of 144 square inches (929 sq. cm.) or greater. (38 CFR 4.118)

Additionally, a higher evaluation of 10 percent is not warranted for burn scar(s) or scar(s) due to other causes, not of the head, face, or neck that are associated with underlying soft tissue damage (entire body) unless the evidence shows:

- Area or areas of at least 6 square inches (39 sq. cm.) but less than 12 square inches (77 sq. cm.). (38 CFR 4.118)

Additionally, a higher evaluation of 10 percent is not warranted for burn scar(s) or scar(s) due to other causes, not of the head, face, or neck, that are not associated with underlying soft tissue damage (entire body) unless the evidence shows:

- Area or areas of 144 square inches (929 sq. cm.) or greater. (38 CFR 4.118)

### **3. Compensation for left shoulder condition.**

The issue of compensation for left shoulder condition is deferred for the following information: Additional development required.

### **4. Compensation for neck condition secondary back condition.**

The issue of compensation for neck condition secondary back condition is deferred for the following information: Additional development required.

### **5. Compensation for right knee condition.**

The issue of compensation for right knee condition is deferred for the following information: Additional development required.

### **6. Compensation for right leg radiculopathy secondary to back.**

The issue of compensation for right leg radiculopathy secondary to back is deferred for the following information: Additional development required.





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**7. Compensation for left leg radiculopathy secondary to back.**

The issue of compensation for left leg radiculopathy secondary to back is deferred for the following information: Additional development required.

**8. Compensation for rhinitis.**

The issue of compensation for rhinitis is deferred for the following information: Additional development required.

**9. Evaluation of low back strain currently evaluated as 10 percent disabling.**

The evaluation for low back strain is deferred for the following: Additional development required.

**10. Evaluation of right shoulder cyst removal residuals currently evaluated as 10 percent disabling.**

The evaluation for right shoulder cyst removal residuals is deferred for the following: VA examination pending.

**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).

