

DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office

VA File Number

Rating Decision
02/26/2018

INTRODUCTION

The records reflect that you are a veteran of the Gulf War Era. You served in the Navy from May 12, 2000, to July 31, 2005 and the Army from July 6, 2009, to September 16, 2016. You filed a new claim for benefits that was received on August 21, 2017. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Service connection for hypertension is granted with an evaluation of 0 percent effective September 17, 2016.
2. Evaluation of post traumatic stress disorder (PTSD), and major depressive disorder (also claimed as anxiety, adjustment disorder, insomnia, and Delayed sleep phase syndrome), which is currently 70 percent disabling, is continued.
3. Eligibility to Dependents' Educational Assistance is not established.

EVIDENCE

- Rating Decision, dated October 13, 2017
- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, received August 21, 2017, October 24, 2017 and November 22, 2017
- Service Treatment Records, from May 12, 2000 through July 31, 2005 and from July 6, 2009 through September 16, 2016 received September 28, 2005, November 20, 2015 and September 28, 2016
- DD Form 214, Certificate of Release or Discharge from Active Duty, from May 12, 2000 through July 31, 2005 and from July 6, 2009 through September 16, 2016
- VA Form 21-0820 Report of General Information, certification that VA treatment reports from Augusta VAMC, from September 17, 2016 through October 27, 2016 do not exist
- Request for application letter to Veteran, September 15, 2017
- VA QTC hypertension DBQ, October 3, 2017 and January 10, 2018
- Section (§) 5103 Notice Response, received October 14, 2017, November 1, 2017 and November 29, 2017
- Clarification of claim letter to Veteran, dated November 13, 2017
- VA QTC review PTSD DBQ, January 8, 2018
- VA treatment reports from My Health Vet, received January 28, 2018
- VA treatment reports, VAMC Augusta, from October 27, 2016 through February 20, 2018
- Electronically shared treatment records, Allopathic & Family Medicine, from October 5, 2016 through July 25, 2017

REASONS FOR DECISION

1. Service connection for hypertension.

Your service treatment records show you were diagnosed with hypertension on May 11, 2012 while on active duty. Blood pressure readings at that time were in the 140/90 range.

VA treatment reports were reviewed and a VA examination was completed.

Service connection for hypertension has been established as directly related to military service.

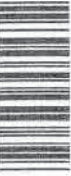
The effective date of this grant is September 17, 2016. Service connection has been established from the day after your discharge from active duty. When a claim of service connection is received within one year of discharge from active duty, the effective date is the day after discharge.

A noncompensable evaluation is assigned from September 17, 2016.

We have assigned a noncompensable evaluation for your hypertension based on:

- A diagnosed disability with no compensable symptoms

Note: In every instance where the schedule does not provide a zero percent evaluation for a diagnostic code, a zero percent evaluation shall be assigned when the requirements for a compensable evaluation are not met. {38 CFR §4.31}



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A higher evaluation of 10 percent is not warranted for hypertensive vascular disease unless the evidence shows:

- A history of diastolic pressure predominantly 100 or more and there is a requirement for continuous medication for control; or,
- Diastolic pressure predominantly 100 or more; or,
- Systolic pressure predominantly 160 or more.

2. Evaluation of post traumatic stress disorder (PTSD), and major depressive disorder (also claimed as anxiety, adjustment disorder, insomnia, and Delayed sleep phase syndrome) currently evaluated as 70 percent disabling.

VA treatment reports were reviewed and a VA PTSD review examination was completed. Although you had suicidal ideations, you had no intent or plan. VA treatment reports showed no neglect of personal appearance or hygiene.

We reviewed the evidence received and determined your service-connected condition(s) hasn't/haven't increased in severity sufficiently to warrant a higher evaluation.

The evaluation of post traumatic stress disorder (PTSD), and major depressive disorder (also claimed as anxiety, adjustment disorder, insomnia, and Delayed sleep phase syndrome) is continued as 70 percent disabling.

We have assigned a 70 percent evaluation for your posttraumatic stress disorder (PTSD), and major depressive disorder (also claimed as anxiety, adjustment disorder, insomnia, and Delayed sleep phase syndrome) based on:

- Unprovoked irritability with periods of violence
- Occupational and social impairment, with deficiencies in most areas, such as work, school, family relations, judgment, thinking, or mood
- Suspiciousness
- Depressed mood
- Disturbances of motivation and mood
- Impaired impulse control
- Chronic sleep impairment
- Panic attacks (weekly)
- Difficulty in adapting to stressful circumstances
- Difficulty in adapting to work
- Difficulty in adapting to a worklike setting
- Anxiety
- Difficulty in establishing and maintaining effective work and social relationships

The overall evidentiary record shows that the severity of your disability most closely approximates the criteria for a 70 percent disability evaluation.

A higher evaluation of 100 percent is not warranted for posttraumatic stress disorder unless the evidence shows total occupational and social impairment, due to such symptoms as:

- gross impairment in thought processes or communication

- persistent delusions or hallucinations
- grossly inappropriate behavior
- persistent danger of hurting self or others
- intermittent inability to perform activities of daily living (including maintenance of minimal personal hygiene)
- disorientation to time or place
- memory loss for names of close relatives, own occupation, or own name.

Since there is a likelihood of improvement, the assigned evaluation is not considered permanent and is subject to a future review examination.

3. Eligibility to Dependents' Educational Assistance under 38 U.S.C. Chapter 35.

You filed a claim for a permanent and total determination related to your service-connected PTSD, sleep apnea, back, neck, feet, nerve injury, shoulder, ankle, acne and wrist.

A future examination was pending for your service-connected PTSD and a VA review examination was completed. Your PTSD continues to remain at 70 percent disabling and a future exam has been scheduled in three years to determine permanence. Although the combined evaluation of all of your service-connected disabilities is 100 percent disabling, it is not considered permanent. There is no evidence that this evaluation will continue for life and because of your young age, recent discharge from military service and length of time between PTSD review examinations, a future examination is appropriate.

Eligibility to Dependents' Educational Assistance is derived from a veteran who was discharged under other than dishonorable conditions; and, 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. 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.

Eligibility to Dependents' Education Assistance is denied as the evidence does not show that you currently have a total service-connected disability, permanent in nature.

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.