



DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefit Administration
Regional Office

VA File Number

Represented By:
CHUCK R PARDUE
Rating Decision
02/27/2018

INTRODUCTION

The records reflect that you are a veteran of the Gulf War Era, Peacetime and Vietnam Era. You served in the Army from April 18, 1973 to January 19, 1975 and from January 20, 1975 to April 30, 1993. You filed a new claim for benefits that was received on February 21, 2018. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

Service connection for obstructive sleep apnea is granted with an evaluation of 50 percent effective February 21, 2018.

EVIDENCE

- Duty to Inform - Notification Letter, to include FDC Exclusion, Dated February 28, 2018
- Section (§) 5103 Notice Response, received February 21, 2018
- Memorandum and Medical Opinion with Rationale from Thomas J. Seiter, Jr., M.D., dated February 21, 2018
- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation

- Benefits, received February 21, 2018
- Private medical evidence (to include sleep study), Barbara Jostlow, M.D. of Dwight David Eisenhower Army Medical Center, from October 16, 2016 through December 3, 2016 (received February 21, 2018)
 - VA Disability Benefits Questionnaire (DBQ), Thomas J. Seiter, Jr., M.D., dated February 21, 2018
 - Electronic Review of Treatment Reports uploaded into VBMS, Augusta VA Medical Center, from June 27, 2007 through April 13, 2017 (received February 26, 2018)
 - VA Form 27-0820 Report of General Information, No pertinent VA Healthcare records from the VAMC available - Augusta VA Medical Center, from January 1, 2006 through June 26, 2007 (dated February 26, 2018)
 - We have been unable to obtain records from Augusta VA Medical Center for the period from January 1, 2006 through June 26, 2007. We have determined that these records do not exist. We will now make a decision based on the evidence of record.
 - Treatment reports, D. D. Eisenhower Army Medical Center, from January 1993 through March 31, 2014 (received May 12, 1999; February 10, 2006; September 16, 2006; October 8, 2006; February 21, 2008; May 12, 2009; August 4, 2009; October 13, 2009; December 28, 2009; January 9, 2013; January 16, 2013)
 - Service Treatment Records, for the active duty periods from April 18, 1973 through April 30, 1993 (received December 18, 1975; January 17, 2006; September 16, 2006; February 26, 2007; June 11, 2007; June 30, 2007)

REASONS FOR DECISION

Service connection for obstructive sleep apnea as secondary to the service-connected disability of gastroesophageal reflux disease (GERD).

Service connection for obstructive sleep apnea has been established as related to the service-connected disability of gastroesophageal reflux disease (GERD).

An evaluation of 50 percent is assigned from February 21, 2018.

We have assigned a 50 percent evaluation for your sleep apnea based on:

- Requires use of breathing assistance device such as continuous airway pressure (CPAP) machine

Additional symptom(s) include:

- Persistent day-time hypersomnolence

A higher evaluation of 100 percent is not warranted for sleep apnea syndromes unless the evidence shows:

- Carbon dioxide retention; or,
- Chronic respiratory failure; or,
- Cor pulmonale; or,
- Tracheostomy required.