



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

VA File Number

**Rating Decision
03/12/2018**

INTRODUCTION

The records reflect that you are a veteran of the Gulf War Era. You served in the Army from February 4, 2009, to July 20, 2011. You filed a claim for increased evaluation, as well as a new and reopened claim for benefits, that was received on March 2, 2018. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Evaluation of posttraumatic stress disorder with major depressive disorder and generalized anxiety disorder (also claimed as sleep disturbance and memory loss), which is currently 70 percent disabling, is increased to 100 percent effective November 14, 2017.
2. Service connection for painful scars, left ankle and right wrist is granted with an evaluation of 20 percent effective November 14, 2017.
3. Service connection for left hip strain is granted with an evaluation of 10 percent effective November 14, 2017.

4. Service connection for impairment of left thigh is granted with an evaluation of 0 percent effective November 14, 2017.

5. Service connection for limitation of flexion of left thigh is granted with an evaluation of 0 percent effective November 14, 2017.

6. Basic eligibility to Dependents' Educational Assistance is established from November 14, 2017.

7. The claimant is considered competent.

EVIDENCE

- VA Form 21-0966, Intent To File A Claim For Compensation and/or Pension, or Survivors Pension and/or DIC, received November 14, 2017
- VA letter dated November 15, 2017
- VA Form 21-526EZ Veteran's Fully Developed Claim, received March 2, 2018
- Service treatment records from your period of service from February 4, 2009 through July 20, 2011
- Service personnel records, including your DD Form 214, Certificate of Release or Discharge from Active Duty
- VA Form 21-4138, Statement in Support of Claim, received March 2, 2018
- VCAA Notice Response, received March 2, 2018
- Scars/Disfigurement Disability Benefits Questionnaire, dated February 24, 2018, received on March 2, 2018
- Hip & Thigh Conditions Disability Benefits Questionnaire, dated February 24, 2018, received on March 2, 2018
- Review PTSD Disability Benefits Questionnaire, dated February 22, 2018, received on March 2, 2018
- Private provider medical opinions, received on March 2, 2018 (x2)
- Treatment records, Tennessee Valley VA Medical Center, from July 29, 2011 through March 1, 2018
- VA letter dated March 5, 2018
- VA Form 21-0820 Report of General Information, dated March 12, 2018
- Treatment records from Tennessee Valley VA Medical Center from July 22, 2011 through July 28, 2011 were deemed unavailable for review. We will now make a decision on your case based on the evidence of record.

REASONS FOR DECISION

1. Evaluation of posttraumatic stress disorder with major depressive disorder and generalized anxiety disorder (also claimed as sleep disturbance and memory loss) currently evaluated as 70 percent disabling.

The evaluation of posttraumatic stress disorder with major depressive disorder and generalized anxiety disorder (also claimed as sleep disturbance and memory loss) is increased to 100 percent disabling effective November 14, 2017.

An evaluation of 100 percent is assigned from November 14, 2017, effective the date we received your intent to file claim.

We have assigned a 100 percent evaluation for your posttraumatic stress disorder with major depressive disorder, also claimed as sleep disturbance and memory loss based on:

- Depressed mood
- Suicidal ideation
- Near-continuous depression affecting the ability to function independently, appropriately and effectively
- Impaired judgment
- Mild memory loss
- Impaired impulse control
- Chronic sleep impairment
- Memory loss for own name
- Difficulty in adapting to work
- Inability to establish and maintain effective relationships
- Impairment of short- and long-term memory
- Flattened affect
- Difficulty in adapting to a worklike setting
- Memory loss for own occupation
- Suspiciousness
- Persistent danger of hurting self
- Disturbances of motivation and mood
- Persistent delusions
- Near-continuous panic affecting the ability to function independently, appropriately and effectively
- Difficulty in understanding complex commands
- Panic attacks more than once a week
- Obsessional rituals which interfere with routine activities
- Impaired abstract thinking
- Total occupational and social impairment
- Persistent hallucinations
- Difficulty in adapting to stressful circumstances
- Neglect of personal appearance and hygiene
- Anxiety
- Difficulty in establishing and maintaining effective work and social relationships
- Memory loss for names of close relatives

The overall evidentiary record shows that the severity of your disability most closely approximates the criteria for a 100 percent disability evaluation.

This is the highest schedular evaluation allowed under the law for posttraumatic stress disorder.

2. Service connection for painful scars, left ankle and right wrist.

Service connection for painful scars, left ankle and right wrist has been established as directly related to military service.

An evaluation of 20 percent is assigned from November 14, 2017, effective the date we received your intent to file claim.

The law allows additional compensation based on scars, which are painful or unstable even if compensable based on other factors. An unstable scar is one where, for any reason, there is frequent loss of covering of skin over the scar.

We have assigned a 20 percent evaluation for your painful scars, left ankle and right wrist based on:

- Three or four painful scars

A higher evaluation of 30 percent is not warranted for scar(s) that are unstable or painful unless the evidence shows five or more painful or unstable scars; or three or four painful or unstable scars with at least one scar being both painful and unstable.

3. Service connection for left hip strain as secondary to the service-connected disability of left ankle S/P open reduction internal fixation.

Service connection for left hip strain has been established as related to the service-connected disability of left ankle S/P open reduction internal fixation.

An evaluation of 10 percent is assigned from November 14, 2017, effective the date we received your intent to file claim.

We have assigned a 10 percent evaluation for your left hip strain based on:

- Painful motion of the hip. (38 CFR §4.59 allows consideration of functional loss due to painful motion to be rated to at least the minimum compensable rating for a particular joint. Since you demonstrate painful motion of the thigh at the hip, the minimum compensable evaluation of 10 percent is assigned.)

Additional symptom(s) include:

- Extension of the thigh limited beyond 5 degrees
- Painful Abduction
- Painful Adduction
- Painful Extension
- Painful External Rotation
- Painful Flexion
- Painful Internal Rotation

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.

A higher evaluation of 20 percent is not warranted unless evidence shows the following: flexion limited to 30 degrees; abduction lost beyond 10 degrees; or malunion of femur with moderate hip disability.

4. Service connection for impairment of left thigh as secondary to the service-connected disability of left hip strain.

Service connection for impairment of left thigh has been established as related to the service-connected disability of left hip strain.

A noncompensable evaluation is assigned from November 14, 2017, effective the date we received your intent to file claim.

A noncompensable evaluation is assigned unless evidence shows the following: painful or limited motion of the hip; flexion limited to 45 degrees; extension limited to 5 degrees; limited rotation with inability to toe-out more than 15 degrees; limited adduction with inability to cross the legs; or malunion of femur with slight hip disability.

5. Service connection for limitation of flexion of left thigh as secondary to the service-connected disability of left hip strain.

Service connection for limitation of flexion of left thigh has been established as related to the service-connected disability of left hip strain.

A noncompensable evaluation is assigned from November 14, 2017, effective the date we received your intent to file claim.

A noncompensable evaluation is assigned unless evidence shows the following: painful or limited motion of the hip; flexion limited to 45 degrees; extension limited to 5 degrees; limited rotation with inability to toe-out more than 15 degrees; limited adduction with inability to cross the legs; or malunion of femur with slight hip disability.

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

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.

Basic eligibility to Dependents' Education Assistance is granted as the evidence shows the veteran currently has a total service-connected disability, permanent in nature.

An effective date of November 14, 2017 is assigned, effective the date we received your intent to file claim.

7. Competency to handle disbursement of funds.

Since the claimant in this case is not shown as unable to manage personal affairs, we have determined that the claimant is competent for VA purposes.

During your mental health examination completed by a private provider, it was noted that you are currently capable of managing your own financial affairs. Therefore, you are deemed competent for VA purposes.

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.