



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

VA File Number

**Represented By:
CHUCK R PARDUE
Rating Decision
04/05/2018**

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era. You served in the Army from November 13, 1990, to November 10, 1994. You filed a new claim for benefits that was received on March 30, 2018. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Service connection for chronic sinusitis is granted with an evaluation of 30 percent effective February 20, 2018.
2. Service connection for left foot pes planus is granted with an evaluation of 30 percent effective February 20, 2018.

EVIDENCE

- DD Form 214, Certificate of Release or Discharge from Active Duty, United States Army,

- from November 13, 1990 through November 10, 1994, received December 26, 2013
- Service Treatment Records, United States Army, from November 13, 1990 through November 10, 1994, received January 15, 2014
 - Intent to File, electronic, received February 20, 2018
 - VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, March 30, 2018
 - Disability Benefit Questionnaire, Sinusitis, Rhinitis and Other Conditions, Dr. Thomas J. Seiter, dated March 30, 2018, received March 30, 2018
 - Disability Benefit Questionnaire, Foot Conditions, Dr. Thomas J. Seiter, dated March 30, 2018, received March 30, 2018
 - Statement of Attending Physician, Dr. Thomas J. Seiter, dated March 30, 2018, received March 30, 2018
 - VAMC (Veterans Affairs Medical Center) treatment records, VAMC Augusta, from August 23, 2014 through February 22, 2018

REASONS FOR DECISION

1. Service connection for chronic sinusitis.

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

The effective date of this grant is February 20, 2018. This evaluation is effective the date we received your Intent to File, which can be considered for an effective date when a substantially complete claim is received within a year of the Intent to File.

An evaluation of 30 percent is assigned from February 20, 2018.

We have assigned a 30 percent evaluation for your chronic sinusitis based on:

- More than six non-incapacitating episodes per year of sinusitis characterized by:
 - Tenderness
 - Purulent discharge
 - Pain
 - Headaches
 - Crusting

A higher evaluation of 50 percent is not warranted for frontal sinusitis unless the evidence shows:

- Following radical surgery with chronic osteomyelitis; or,
- Near constant sinusitis characterized by headaches, pain and tenderness of affected sinus, and purulent discharge or crusting after repeated surgeries.

2. Service connection for left foot pes planus.

Service connection for left foot pes planus has been established as directly related to military

service.

The effective date of this grant is February 20, 2018. This evaluation is effective the date we received your Intent to File, which can be considered for an effective date when a substantially complete claim is received within a year of the Intent to File.

An evaluation of 30 percent is assigned from February 20, 2018.

We have assigned a 30 percent evaluation for your left foot pes planus based on:

- Extreme tenderness of plantar surfaces of the feet
- Marked Pronation
- Symptoms NOT improved by orthopedic shoe or appliance

Additional symptom(s) include:

- Characteristic callosities
- Indication of swelling on use
- Objective evidence of marked deformity (pronation, abduction, etc.)
- Pain on manipulation of the feet
- Pain on manipulation of the feet, accentuated
- Pain on use of the feet
- Pain on use of the feet, accentuated

A higher evaluation of 50 percent is not warranted for acquired flat foot unless the evidence shows bilateral involvement with pronounced symptoms; marked pronation, extreme tenderness of plantar surfaces of the feet, marked inward displacement and severe spasm of the tendo achillis on manipulation, not improved by orthopedic shoes or appliances.

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.