



December 15, 2017

## We made a decision on your VA benefits.

Dear

This letter will guide you through the information you should know and steps you may take now that VA has made a decision about your benefits.

### Your benefit information:

- Service connection for right knee strain (previously right knee condition) is granted with an evaluation of 10 percent effective April 18, 2017.
- The claim for service connection for post traumatic stress disorder remains denied because the evidence submitted is not new and material.
- Service connection for left knee strain (previously left knee condition) is granted with an evaluation of 10 percent effective April 18, 2017.
- Service connection for lumbosacral sprain/strain (previously back condition (also claimed as low back strain) is granted with an evaluation of 10 percent effective April 18, 2017.
- Service connection for bilateral flat foot (claimed as left and right) is granted with an evaluation of 50 percent effective December 5, 2017.

Your combined rating evaluation is:

Combined Rating Evaluation	Effective Date
10%	Dec 20, 2015
40%	Apr 18, 2017
70%	Dec 5, 2017

### We have included with this letter:

1. Explanation of Payment
2. Additional Benefits
3. Where to Send Written Correspondence
4. VA Form 4107
5. VA Form 21-0958
6. Rating Decision

### Contact information:

Web: [www.vets.gov](http://www.vets.gov)  
Phone: 1-800-827-1000  
TDD: 711  
To send questions online: visit <https://iris.va.gov>

### Social Media:

Twitter: @VAVetBenefits  
Facebook: [www.facebook.com/VeteransBenefits](http://www.facebook.com/VeteransBenefits)

### Your representative:

You appointed **CHUCK R PARDUE** as your accredited representative. They have also received a copy of this letter.

They can help you with any questions you have about your claim.

If you or someone you know is in crisis, call the Veterans Crisis Line at 1-800-273-8255 and press 1.

File Number:

## How VA Combines Percentages

If you have more than one condition, VA will combine percentages to determine your overall disability rating. The percentages assigned for each of your conditions may not always add up to your combined rating evaluation. The following website has additional information about how VA combines percentages: <http://www.benefits.va.gov/compensation/rates-index.asp#howcalc>.

Your monthly entitlement amount is shown below:

Monthly Entitlement Amount	Payment Start Date	Reason
\$589.12	May 1, 2017	Compensation Rating Adjustment
\$600.90	Dec 1, 2017	Cost of Living Adjustment
<b>\$1,365.48</b>	<b>Jan 1, 2018</b>	Compensation Rating Adjustment

We are currently paying you as a single Veteran with no dependents.

You should receive your first payment within 7-10 days of this notice.

See **Explanation of Payment** for more details about your payment.

Your payment will be directed to the financial institution and account number that you specified. To confirm when your payment was deposited, please contact your financial institution.

If this account is no longer open,

*please notify us immediately.*

## Evidence Considered

In making our decision, in addition to the evidence listed in the Rating Decision, we considered the following evidence:

- Service Treatment Records, received September 21, 2004, from June 11, 1998 through August 28, 2004
- Veteran's copy of Back Conditions Disability Benefit Questionnaire, completed by Dr. Thomas J. Seiter, December 5, 2017
- Veteran's copy of Foot Conditions Disability Benefit Questionnaire, completed by Dr. Thomas J. Seiter, Jr., December 5, 2017



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

**VA File Number**

**Represented By:**  
**CHUCK R PARDUE**  
**Rating Decision**  
**12/12/2017**

**INTRODUCTION**

The records reflect that you are a veteran of the Gulf War Era. You served in the Navy from June 11, 1998, to August 28, 2004. We received a request to reopen a previous claim on December 5, 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 bilateral flat foot (claimed as left and right) is granted with an evaluation of 50 percent effective December 5, 2017.
2. Service connection for left knee strain (previously left knee condition) is granted with an evaluation of 10 percent effective April 18, 2017.
3. Service connection for lumbosacral sprain/strain (previously back condition (also claimed as low back strain) is granted with an evaluation of 10 percent effective April 18, 2017.
4. Service connection for right knee strain (previously right knee condition) is granted with an

evaluation of 10 percent effective April 18, 2017.

5. The claim for service connection for post traumatic stress disorder remains denied because the evidence submitted is not new and material.

### EVIDENCE

- Intent to file a claim, April 18, 2017
- VA Form 21-526EZ Application for Disability Compensation and Related Compensation Benefits, June 11, 2017
- VA Form 21-526EZ Application for Disability Compensation and Related Compensation Benefits, December 5, 2017
- Rating Decision, dated May 21, 2016 and August 30, 2017
- DD Form 214, Certificate of Release or Discharge from Active Duty, from June 11, 1998 through August 28, 2004
- Service Treatment Records, received September 21, 2004, from June 11, 1998 through August 28, 2004
- No pertinent VA Healthcare records from the VAMC available, dated December 12, 2017
- VA Form 21-0781, Statement In Support Of Claim For Service Connection for Post-Traumatic Stress Disorder (PTSD), received December 5, 2017
- Veteran's copy of Foot Conditions Disability Benefit Questionnaire, completed by Dr. Thomas J. Seiter, Jr., December 5, 2017
- Veteran's copy of Back Conditions Disability Benefit Questionnaire, completed by Dr. Thomas J. Seiter, December 5, 2017
- Veteran's copy of Knee and Lower Leg Conditions Disability Benefit Questionnaire, completed by Dr. Thomas J. Seiter, December 5, 2017

### REASONS FOR DECISION

#### **1. Service connection for bilateral flat foot (claimed as left and right).**

Service connection for bilateral flat foot (claimed as left and right) has been granted because this condition, which existed prior to military service, permanently worsened as a result of service.

The preservice percentage is normally deducted before assigning any service connected evaluation less than 100 percent. Since the preservice percentage is zero, no deduction is necessary.

An evaluation of 50 percent is assigned from December 5, 2017. The effective date is the date we received your reopened claim for service-connection as the appeal period has closed for the prior rating decision dated May 21, 2016.

We have assigned a 50 percent evaluation for your bilateral flat foot (claimed as left and right) 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
- Inward bowing of the tendo achillis
- 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
- Weight-bearing line over or medial to great toe

This is the highest schedular evaluation allowed under the law for acquired flat foot.

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

**2. Service connection for left knee strain (previously left knee condition) as secondary to the service-connected disability of bilateral flat foot (claimed as left and right).**

Service connection for left knee strain (previously left knee condition) has been established as related to the service-connected disability of bilateral flat foot (claimed as left and right).

An evaluation of 10 percent is assigned from April 18, 2017. The effective date is the date we received your intent to file a claim as your claim has been continuously prosecuted.

We have assigned a 10 percent evaluation for your left knee condition based on:

- Painful motion of the knee (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 knee, the minimum compensable evaluation of 10 percent is assigned)

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 for limitation of flexion of the knee unless the evidence shows:

- Limitation of flexion of 16 to 30 degrees.

Additionally, a higher evaluation of 20 percent is not warranted for limitation of extension of the knee unless the evidence shows:

- Limitation of extension of 15 to 19 degrees.

A higher evaluation may be warranted if:

- Flexion is limited to 45 degrees or less; AND,
- Extension is limited to 10 degrees or more.

**3. Service connection for lumbosacral sprain/strain (previously back condition (also claimed as low back strain) as secondary to the service-connected disability of bilateral flat foot (claimed as left and right)).**

Service connection for lumbosacral sprain/strain (previously back condition (also claimed as low back strain) has been established as related to the service-connected disability of bilateral flat foot (claimed as left and right).

An evaluation of 10 percent is assigned from April 18, 2017. The effective date is the date we received your intent to file a claim as your claim has been continuously prosecuted.

We have assigned a 10 percent evaluation for your back condition (also claimed as low back strain) based on:

- Combined range of motion of the thoracolumbar spine greater than 120 degrees but not greater than 235 degrees
- Forward flexion of the thoracolumbar spine greater than 60 degrees but not greater than 85 degrees
- Localized tenderness not resulting in abnormal gait or abnormal spinal contour

Additional symptom(s) include:

- Painful motion upon examination

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 were applied based on additional joint limitation.

A higher evaluation of 20 percent is not warranted for lumbosacral strain unless the evidence shows:

- Combined range of motion of the thoracolumbar spine not greater than 120 degrees; or,
- Forward flexion of the thoracolumbar spine greater than 30 degrees but not greater than 60 degrees; or,
- Muscle spasm or guarding severe enough to result in an abnormal gait or abnormal spinal contour such as scoliosis, reversed lordosis, or abnormal kyphosis.

**4. Service connection for right knee strain (previously right knee condition) as secondary to the service-connected disability of bilateral flat foot (claimed as left and right).**

Service connection for right knee strain (previously right knee condition) has been established as related to the service-connected disability of bilateral flat foot (claimed as left and right).

An evaluation of 10 percent is assigned from April 18, 2017. The effective date is the date we

received your intent to file a claim as your claim has been continuously prosecuted.

We have assigned a 10 percent evaluation for your right knee condition based on:

- Painful motion of the knee (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 knee, the minimum compensable evaluation of 10 percent is assigned)

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 for limitation of flexion of the knee unless the evidence shows:

- Limitation of flexion of 16 to 30 degrees.

Additionally, a higher evaluation of 20 percent is not warranted for limitation of extension of the knee unless the evidence shows:

- Limitation of extension of 15 to 19 degrees.

A higher evaluation may be warranted if:

- Flexion is limited to 45 degrees or less; AND,
- Extension is limited to 10 degrees or more.

#### **5. Service connection for post traumatic stress disorder.**

A claimant may reopen a finally adjudicated claim by submitting new and material evidence. New evidence means existing evidence not previously submitted to agency decisionmakers. Material evidence means existing evidence that, by itself or when considered with previous evidence of record, relates to an unestablished fact necessary to substantiate the claim. New and material evidence can be neither cumulative nor redundant of the evidence of record at the time of the last prior final denial of the claim sought to be reopened, and must raise a reasonable possibility of substantiating the claim.

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The evidence from VA Form 21-0781, Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) submitted in connection with the current claim does not constitute new and material evidence because it does not relate to an unestablished fact necessary to substantiate the claim and does not raise a reasonable possibility of substantiating the claim.

The evidence does not show an event, disease or injury in service. Your service treatment records do not contain complaints, treatment, or diagnosis for this condition.

The evidence does not show a current diagnosed disability. Even though some evidence supports your claim, we found no medical evidence supporting a diagnosis.

<b>Rating Decision</b>		<i>Department of Veterans Affairs Veterans Benefits Administration</i>		Page 1 of 2 <b>12/12/2017</b>	
NAME OF VETERAN	VA FILE NUMBER	SOCIAL SECURITY NR	POA	COPY TO	
			<b>CHUCK R PARDUE</b>		

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
06/11/1998	08/28/2004	Navy	Honorable

LEGACY CODES			
ADD'L SVC CODE	COMBAT CODE	SPECIAL PROV CDE	FUTURE EXAM DATE
	1	4	0619

**JURISDICTION:** Reopened Claim Received 12/05/2017

**ASSOCIATED CLAIM(s):** 020; Reconsideration; 12/05/2017

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

- 5276 **BILATERAL FLAT FOOT (CLAIMED AS LEFT AND RIGHT)**  
Service Connected, Gulf War, **Aggravated**  
Future Exam June 2019  
**50% from 12/05/2017**
- 7813-7806 PSEUDOFOLLICULITIS (PFB) WITH TINEA CRURIS/PEDIS  
Service Connected, Gulf War, Incurred  
Static Disability  
10% from 12/20/2015
- 5237 **LUMBOSACRAL SPRAIN/STRAIN (PREVIOUSLY BACK CONDITION (ALSO CLAIMED AS LOW BACK STRAIN) ASSOCIATED WITH BILATERAL FLAT FOOT (CLAIMED AS LEFT AND RIGHT))**  
Service Connected, Gulf War, Secondary  
Static Disability  
**10% from 04/18/2017**
- 5260 **RIGHT KNEE STRAIN (PREVIOUSLY RIGHT KNEE CONDITION) ASSOCIATED WITH BILATERAL FLAT FOOT (CLAIMED AS LEFT AND RIGHT)**  
Service Connected, Gulf War, Secondary  
Static Disability  
**10% from 04/18/2017**
- 5260 **LEFT KNEE STRAIN (PREVIOUSLY LEFT KNEE CONDITION) ASSOCIATED WITH BILATERAL FLAT FOOT (CLAIMED AS LEFT AND RIGHT)**  
Service Connected, Gulf War, Secondary  
Static Disability  
**10% from 04/18/2017**



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**COMBINED EVALUATION FOR COMPENSATION :**

10% from 12/20/2015  
 40% from 04/18/2017 (Bilateral factor of 1.9 Percent for diagnostic codes 5260, 5260)  
**70% from 12/05/2017** (Bilateral factor of 6 Percent for diagnostic codes 5276, 5260, 5260)

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

- 6847      SLEEP APNEA ASSOCIATED WITH LUMBOSACRAL SPRAIN/STRAIN  
 (PREVIOUSLY BACK CONDITION (ALSO CLAIMED AS LOW BACK STRAIN))  
 Not Service Connected, Not Secondary  
  
 Original Date of Denial: 08/30/2017
- 9411      POST TRAUMATIC STRESS DISORDER [PTSD - Personal Trauma/Personal Trauma  
 (Non-Sexual)]  
 Not Service Connected, No Diagnosis  
  
 Original Date of Denial: 08/30/2017
- 9520      EATING DISORDERS ASSOCIATED WITH LUMBOSACRAL SPRAIN/STRAIN  
 (PREVIOUSLY BACK CONDITION (ALSO CLAIMED AS LOW BACK STRAIN))  
 Not Service Connected, Not Secondary  
  
 Original Date of Denial: 08/30/2017

eSign: certified by VSCJSMI2, RVSR