DEPARTMENT OF VETERANS AFFAIRS
Regional Office
210 Franklin Road S.W.
Roanoke VA 24011-2204

April 10, 2008

MR. GALEN K ROGERS
8 ST WILLIAMS WAY
STAFFORD VA 22556

In reply, refer to:
314/211PRE
File Number: [redacted]
Galen K. Rogers

IMPORTANT -- reply needed

Dear Mr. Rogers:

Based on the VA Form 21-4138, Statement in Support of Claim, that we received from you on March 04, 2008, we have amended your claim as you requested. This letter replaces the VCAA letter dated February 05, 2008.

We are working on your application for service-connected compensation for:

- sleep apnea (to include symptoms of fatigue, tiredness, irritability, and headaches), now using CPAP machine

This letter will give you information about what we will do and what you can do to help us. Please see the enclosed attachment "How You Can Help and How VA Can Help You" for more information about your claim.

What Do We Still Need from You?

We need additional things from you. ***Please put your VA file number on the first page of every document you send us.***

Please send us any medical reports you have for your claimed condition. If you have had private medical treatment for your conditions, please complete and return an enclosed VA Form 21-4142, Authorization and Consent to Release Information, **for EACH health care provider,** so that we can obtain treatment information. You may want to obtain and send us the information yourself.

If you have received treatment at a Department of Veterans Affairs (VA) facility or military facility, furnish the date(s) and place(s), and treated conditions, on the enclosed VA Form 21-4138, Statement in Support of Claim. Use this form to also tell us about any other records that may exist to support your claim or about a change in your address or phone number.

File Number:
Galen K. Rogers

We need evidence showing that the following condition(s) existed from military service to the present time:

- sleep apnea (to include symptoms of fatigue, tiredness, irritability, and headaches), now using CPAP machine

Any or all of the following listed evidence will help us make our decision:

- The dates of medical treatment during service. Show the name and exact location of the dispensary, hospital, or other facility where you received treatment for this condition. Also, give us your rank and organization (division, regiment, battalion, company) at the time of treatment.
- Statements from persons who knew you when you were in service and know of any disability you had while on active duty. These statements should describe how and when they became aware of the condition(s). If the person making the statement was on active duty at the time, he/she should show his/her service number and unit of assignment.
- Records and statements from service medical personnel (nurses, corpsmen, medics, etc.).
- Employment physical examinations.
- Medical evidence from hospitals, clinics, and private physicians of treatment since military service.
- Pharmacy prescription records.
- Insurance examination reports.

Tell us the specific disease that resulted from asbestos exposure. Tell us why you believe the disability was caused by asbestos and provide some evidence, such as a medical opinion, of this relationship. Otherwise, no further action will be taken on this claimed issue.

All statements submitted in your behalf should conclude with the following certification: "I hereby certify that the information I have given is true to the best of my knowledge and belief."

Please see the enclosures entitled "What the Evidence Must Show" and "How You Can Help and How VA Can Help You". If there is any other evidence or information that you think will support your claim, please let us know. If you have any evidence in your possession that pertains to your claim, please send it to us.

Where Should You Send What We Need?

Please send what we need to this address:

Department of Veterans Affairs
Regional Office
210 Franklin Road S.W.
Roanoke VA 24011-2204

How Soon Should You Send It?

You can take up to a year from the date of this letter to make sure we receive the information and evidence we have requested. VA may decide your claim within 60 days if we have completed our attempts to get all the relevant evidence about which we know. If VA decides your claim before one year from the date of this letter, you continue to have until that date to submit additional evidence.

Enclosed you will find a "VCAA Notice Response." Although you are not required to return this document, your response may expedite a decision on your claim.

How Can You Contact Us?

If you are looking for general information about benefits and eligibility, you should visit our web site at http://www.va.gov. Otherwise, you can contact us in several ways. Please give us your VA file number when you do contact us.

- Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the number is 1-800-829-4833.
- On the Internet at https://iris.va.gov.
- Write to us at the address at the top of this letter.

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We have also enclosed information about how you can help the VA and how the VA can help you, and what the evidence must show.

Sincerely yours,

D. Svirsky

D. Svirsky
Veterans Service Center Manager

Enclosures: VA Form 21-4142 (2)
VA Form 21-4138
How You Can Help and How VA Can Help You
What the Evidence Must Show - Service connected compensation
VCAA Notice Response

cc: AMVETS

211pre/101/ltm229

File Number:
Galen K. Rogers

How You Can Help and How VA Can Help You

We want to tell you about the information and evidence we need to support your claim.

We have received the following:

- Your claim for benefits, which we received on January 1, 2008.
- A copied page from your service treatment records.
- The signature page of your VA Form 21-526, Veteran's Application for Compensation and/or Pension VONAPP.
- A copy of a sleep study dated August 22, 2007 from Mary Washington Hospital.

VA is responsible for getting the following evidence:

- Relevant records from any Federal agency. This may include records from the military, VA Medical Centers (including private facilities where VA authorized treatment), or the Social Security Administration.
- VA will provide a medical examination for you, or get a medical opinion, if we determine it is necessary to decide your claim.

On your behalf, VA will make reasonable efforts to get the following evidence:

- Relevant records not held by any Federal agency. This may include records from State or local governments, private doctors and hospitals, or current or former employers.
- Medical evidence from doctor

What Have We Done?

We have requested copies of treatment records or other evidence from:

- **STAFFORD PRIMARY CARE ASSOCIATES**

Even though we have asked for this information, it is your responsibility to see that VA receives it (except for any evidence kept by the VA, military or any other federal government agency).

How Can You Help?

If the evidence is not in your possession, you must give us enough information about the evidence so that we can request it from the person or agency that has it. If the holder of the evidence declines to give it to us, asks for a fee to provide it, or VA otherwise cannot get the evidence, we will notify you. *It is your responsibility to make sure we receive all requested records that are not in the possession of a Federal department or agency.*

What the Evidence Must Show

To support your claim for service-connection, the evidence must show three things:

1. You had an injury in military service, or a disease that began in or was made worse during military service, or there was an event in service that caused an injury or disease.

2. You have a current physical or mental disability shown by medical evidence.

3. There is a relationship between your disability and an injury, disease, or event in military service. Medical records or medical opinions are required to establish this relationship. However, under certain circumstances, VA may conclude that certain current disabilities were caused by service, even if there is no specific evidence proving this in your particular claim. The cause of a disability is presumed for the following veterans who have certain diseases:

   - former prisoners of war
   - veterans who have certain chronic or tropical diseases that become evident within a specific period of time after discharge from service
   - veterans who were exposed to ionizing radiation, mustard gas, or Lewisite while in service
   - veterans who were exposed to certain herbicides, such as by serving in Vietnam.
   - veterans who served in Southwest Asia during the Gulf War.

How VA Determines the Disability Rating

When we find disabilities to be service connected, we assign a disability rating. That rating can be changed if your condition changes. Depending on the disability involved, we will assign a rating from 0 percent to as much as 100 percent. VA uses a schedule for evaluating disabilities that is published as title 38 Code of Federal Regulations, Part 4. In rare cases, we can assign a disability level other than the levels found in the schedule for a specific condition if your impairment is not adequately covered by the schedule. We consider evidence of the following in determining the disability rating:

- Nature and symptoms of the condition;
- Severity and duration of the symptoms; and
- Impact of the condition and symptoms on employment and daily life.

Examples of evidence that you should tell us about or give to us that may affect how we assign a disability evaluation include the following:

- Information about on-going treatment records, including VA or other Federal treatment records, you have not previously told us about;
- Recent Social Security determinations;
- Statements from employers as to job performance, lost time, or other information regarding how your condition(s) affect your ability to work; or
- Statements discussing your disability symptoms from people who have witnessed how they affect you.

How VA Determines the Effective Date

If we grant your claim, the beginning date of your entitlement will generally be based on the following factors:

- When we received your claim (for example, if you filed your claim with VA within one year of your separation from the military, entitlement will be from the day following the day you left the military); or
- When the evidence shows a level of disability that supports a certain rating under the rating schedule.

Generally, payments are effective from the first of the month following the month in which we determine you are service connected or have an increased disability rating based on the above criteria.

Examples of evidence that you should tell us about or give to us that may affect how we determine the effective date of any benefits we give you on your claim include the following:

- Information about continuous treatment or when treatment began;
- Service medical records in your possession that you may not have sent us; or
- Reports of treatment for your condition while attending training in the Guard or Reserve.

File Number:
Galen K. Rogers

Claim Number
Claimant Name GALEN K ROGERS

VCAA NOTICE RESPONSE

We provided you a notice about the evidence and information VA needs to substantiate your claim for benefits. At this time, if you choose to, you may indicate whether you intend to submit additional information or evidence you know about that would help support your claim.

Your signature on this response will not affect whether or not you are entitled to VA benefits. It will not affect the amount of benefits to which you may be entitled. It will not affect the assistance VA will provide you in obtaining evidence to support your claim. It also will not affect the date any benefits will begin if your claim is granted. Your response will let us know whether to adjudicate your claim without waiting 60 days or whether we should give you more time to provide us with information or evidence.

RESPONSE

I elect *one* of the following: (Whichever box you check, you have one year from the date of the notice to give VA any other information or evidence you think will support your claim.)

☐ I have no other information or evidence to give VA to substantiate my claim. Please decide my claim as soon as possible.

☐ I have more information or evidence to give to VA to substantiate my claim. VA will wait at least 60 days before deciding my claim to give me a chance to submit this information or evidence.

Claimant/Representative Signature

Date