DEPARTMENT OF VETERANS AFFAIRS

[redacted]

VA File Number

[redacted]

Represented by:
DISABLED AMERICAN VETERANS

Rating Decision
April 29, 2005

INTRODUCTION

The records reflect that you are a veteran of the Peacetime and Gulf War Era. You served in the Army from [redacted] to [redacted] You filed a claim for increased evaluation that was received on November 29, 2004. Based on a review of the evidence listed below, we have made the following decision on your claim.

DECISION

Evaluation of degenerative disc disease, which is currently 0 percent disabling, is increased to 20 percent effective November 29, 2004.

EVIDENCE

- Your statement received November 29, 2004
- VCAA/Duty-to-Assist letter dated December 21, 2004
- VA examination [redacted] dated February 23, 2005

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REASONS FOR DECISION

Evaluation of degenerative disc disease currently evaluated as 0 percent disabling.

VA examination dated February 23, 2005 noted your complaint of back pain. Examination showed your gait was normal, with no limp or antalgic scoliosis or anterior pelvic tilt. There was normal symmetry and rhythm of spinal motions. Forward flexion was 42 degrees; extension was 8 degrees. Lateral flexion was 24 degrees (right) and 20 degrees (left). Lateral rotation was 46 degrees (right) and 52 degrees (left). There was no evidence of abnormal movements, incoordination, or instability. There was no paravertebral muscle spasm or localized tenderness. There were segmental sensory disturbances on right L4 dermatome. Muscle strength was normal. Magnetic resonance imaging (MRI) showed disc herniations at L3-4, L4-5, and L5-S1.

The evaluation of degenerative disc disease is increased to 20 percent disabling effective November 29, 2004, the date of receipt of claim. The criteria for rating diseases and injuries of the spine apply with or without symptoms such as pain (whether or not it radiates), stiffness, or aching in the area of the spine affected by residuals of injury or disease. A 20 percent evaluation is assigned for forward flexion of the thoracolumbar spine greater than 30 degrees but not greater than 60 degrees; or, the combined range of motion of the thoracolumbar spine not greater than 120 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. A higher evaluation of 40 percent is not assigned unless there is forward flexion of the thoracolumbar spine 30 degrees or less; or, favorable ankylosis of the entire thoracolumbar spine.

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 web site, www.va.gov.

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Rating Decision	Department of Veterans Affairs [redacted]		Page 1 04/29/2005

NAME OF VETERAN	VA FILE NUMBER	SOCIAL SECURITY NR	POA	COPY TO
[redacted]	[redacted]	[redacted]	DISABLED AMERICAN VETERANS	FMP

ACTIVE DUTY			
EOD	RAD	BRANCH	CHARACTER OF DISCHARGE
02/22/1982	02/28/2002	Army	Honorable

LEGACY CODES			
ADD'L SVC CODE	COMBAT CODE	SPECIAL PROV CDE	FUTURE EXAM DATE
	1		None

JURISDICTION: Claim for Increase Received 11/29/2004

SUBJECT TO COMPENSATION (1.SC)

5242 DEGENERATIVE DISC DISEASE, LUMBAR SPINE
Service Connected, Peacetime, Incurred
0% from 03/01/2002
20% from 11/29/2004

6260 TINNITUS
Service Connected, Gulf War, Incurred
10% from 03/01/2002

7805 SCAR, LEFT LOWER LEG
Service Connected, Gulf War, Incurred
0% from 03/01/2002

COMBINED EVALUATION FOR COMPENSATION :

10% from 03/01/2002
30% from 11/29/2004

NOT SERVICE CONNECTED/NOT SUBJECT TO COMPENSATION (8.NSC Gulf War, Peacetime)

[redacted]

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Rating Decision	Department of Veterans Affairs [redacted]		Page 2 04/29/2005	
NAME OF VETERAN [redacted]	VA FILE NUMBER [redacted]	SOCIAL SECURITY NR [redacted]	POA DISABLED AMERICAN VETERANS	COPY TO FMP HA

Veteran is in receipt of Retired Pay.

[redacted]

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