DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration

Paul S

VA File Number

Rating Decision
08/15/2018

INTRODUCTION

As a result of the enactment of the Veterans Appeals Improvement and Modernization Act of 2017 (Public Law 115-55), the Department of Veterans Affairs (VA) is required to change its current appeals process. Under the authority of Public Law 115-55, VA created the Rapid Appeals Modernization Program (RAMP) to provide Veterans with the earliest possible resolution of their claims. You have chosen to participate in RAMP, and you selected to have your claim reviewed under the Higher-Level Review lane option.

We have received your request for higher-level review on May 16,2018.

The records reflect that you are a veteran of the Gulf War Era and Peacetime. You served in the Air Force from March 30,1978, to June 30, 1995. A special review of your file was mandated on May 16,2018. Based on die review and the evidence listed below, we have made the following decision(s).

DECISION

1. Service connection for high blood pressure is denied.

2. Service connection for sleep apnea is denied.

EVIDENCE

- Service treatment records for your period of service from March 30, 1978 to June 30, 1995
- buddy statement, Kenneth XXXXXXX, January 4, 2017
- letter from you, January 4,2017
- Lay Statement, Ashlee XXXXXX, dated May 11,2016 and January 4,2017
- letter, Mrs. XXXXXX, April 24,2016 and January 4, 2017
- Private Treatment Records, Dr Nayyar, dated January 4, 2017
- Disability Benefit Questionnaire, Sleep Apnea, dated December 20, 2016
- VA Form 21-4138, Statement in Support of Claim, received January 4, 2017
- Private Treatment Records, Best Health Sleep center, received January 26, 2017
- VA Examination, Hampton, dated January 26, 2017
- letter from you, February 9,2017
- VA Form 21-526 EZ: Application for Disability Compensation and Related
- Compensation Benefits, July 26, 2015
- VA Form 21-4138: Statement in Support of Claim, Received November 2,2015
- VA Examinations, QTC Medical Services, dated January 20, 2016
- VA letter concerning your claim, dated March 14,2016
- VA Form 21-4138, Statement in Support of Claim, received March 28, 2016
- Handwritten letter in support of your claim received April 18,2016
- VA letter concerning your claim, dated April 21, 2016
- VA letter concerning your claim, dated April 25, 2016
- VA Form 21-4138, Statement in Support of Claim, received May 9, 2016
- Lay Evidence, dated May 13, 2016
- Outpatient medical evidence in support of your claim received May 13, 2016
- Lay evidence received May 13, 2016
- VA Form 21-4138, Statement in Support of Claim, received May 13, 2016
- Rating Decision, dated May 13,2016
- Buddy / Lay Statement, received on September 28,2016
- Medical Treatment Record - Non-Government Facility, received on September 28, 2016
- VA 21-4138 Statement In Support of Claim, received on September 28, 2016
- Correspondence, received on September 28, 2016
  Medical Treatment Record - Government Facility, received on September 28, 2016
- Your statement dated February 09,2017 with inclusion of Veterans Administration board of Appeals citation in support of your claim.
- Statement from the Veteran dated March 16,2018
- Lay Statement dated September 06, 2016 Kenneth XXXXX (MSGT retired)
- Ramp Opt In Election dated May 16,2018
- Appeal Withdrawal Letter dated August 15, 2018
- HLR Informal conference held August 15, 2018

REASONS FOR DECISION

1. Service connection for high blood pressure.

Service connection may be granted for any disease or injury that is considered to have resulted in

a period of war or service. To establish direct service connection for a claimed disorder, objective evidence must show a diagnosis of a current disability that is related to a disease or injury incurred in or aggravated during "active " service; or that manifested itself to a compensable degree within one year from the date of discharge (specified under 38 C.F.R. § 3.303).

To satisfy the requirements for service connection for a disability based on presumption, you must submit the following: (1) medical evidence demonstrating the existence of a current disability, and (2) medical evidence establishing that the disability manifested to a compensable degree within one year of your discharge from active service, (specified under 38 C.F.R. § 3.309) Longer time limits may apply for certain medical conditions.

We have denied your claim for service connection for high blood pressure because die 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 that your disease developed to a compensable degree within die specified time period after release from service to qualify for the presumption of service connection.**(insert reason for denying, elements met and not met).**

Favorable findings identified in this decision:

Outpatient Treatment Reports, VA Medical Center Hampton Virginia dated October 2016 show a diagnosis of benign hypertension.
Treatment Reports, AHC, AMHC02ALandfe dated February 28, 2017 show blood pressure readings of 165/94.
Treatment Reports, AHC dated October 26, 2017 show blood pressure readings of 168/100 and 166/92 January 23,2018

Laws and regulations applicable to this issue:

38 C.F.R. §3.1 Definitions.
38 C.F.R. §3.303 Principles relating to service connection.38 C.F.R. §3.309 Disease subject to presumptive service connection.
38 C.F.R. §3.159 Department of Veterans Affairs assistance in developing claims 38 C.F.R. §3.309 Disease subject to presumptive service connection.

2. Service connection for sleep apnea.

Service connection may be granted for any disease or injury that is considered to have resulted in a period of war or service. To establish direct service connection for a claimed disorder, objective evidence must show a diagnosis of a current disability that is related to a disease or injury incurred in or aggravated during "active " service; or that manifested itself to a compensable degree within one year from the date of discharge (specified under 38 C.F.R. § 3.303).

We have denied your claim for service connection for sleep apnea because the evidence continues to show this condition was not incurred in or aggravated by military service. We did not find a link between your medical condition and military service. The VA medical opinion found no link between your diagnosed medical condition and military service. Your examiner noted that your condition was diagnosed in 2015, about 20 years after separation from service. He further stated that your condition is most likely due to natural age exacerbated by elevated body mass index.**(insert reason for denying, elements met and not met)**.

Favorable findings identified in this decision:

Compensation and Pension examination, VA Medical Center Hampton Virginia dated January 26, 2017 show diagnosis of obstructive sleep apnea.
Outpatient Treatment Reports, VA Medical Center Hampton Virginia dated October 20,2016 show a diagnosis of sleep apnea.
Treatment Reports, Tidewater Neurologists, Inc. Sleep Disorder Specialists dated February 22, 2017.
Disability Benefits Questionnaire, Sleep apnea Disability received March 16, 2018

Laws and regulations applicable to this issue:

38 C.F.R. §3.1 Definitions.
38 C.F.R. §3.303 Principles relating to service connection.
38 C.F.R. §3.304 Direct Service Connection Wartime & Peacetime
38 C.F.R. §3.159 Department of Veterans Affairs assistance in developing claims.

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.