DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office

[redacted]

INTRODUCTION

The records reflect that you are a veteran of the Gulf War Era and Peacetime. You served in the Air Force from October 22, 1986, to October 25, 1990. We received a Notice of Disagreement from you on June 27, 2016 about one or more of our earlier decisions. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. Service connection for degenerative arthritis, spinal stenosis, and incomplete paraplegia due to spinal cord injury C5-6 from ruptured disc, s/p cervical is granted with an evaluation of 20 percent effective November 15, 2015.

2. Service connection for loss of use of the lower extremities is granted with an evaluation of 100 percent effective November 15, 2015.

3. Service connection for loss of use of the right upper extremity is granted with an evaluation of 70 percent effective November 15, 2015.

4. Service connection for radiculopathy, left upper extremity is granted with an evaluation of 30 percent effective November 15, 2015.

5. Entitlement to special monthly compensation based on loss of use of both lower extremities and right upper extremity is granted from November 15, 2015.

6. Entitlement to specially adapted housing is established.

7. Entitlement to automobile or other conveyance and adaptive equipment is established.

8. Basic eligibility to Dependents' Educational Assistance is established from November 15, 2015.

EVIDENCE

- Statement of the Case, dated October 21, 2016
- Medical opinion, [redacted] January 19, 2018
- VA Examination, Logistics Health Inc. (LHI), dated April 11, 2018

REASONS FOR DECISION

1. Service connection for degenerative arthritis, spinal stenosis, and incomplete paraplegia due to spinal cord injury C5-6 from ruptured disc, s/p cervical.

Service connection for degenerative arthritis, spinal stenosis, and incomplete paraplegia due to spinal cord injury C5-6 from ruptured disc, s/p cervical has been established as directly related to military service.

An evaluation of 20 percent is assigned from November 15, 2015, The date VA received your intent to file which has remained open due to your appeal.

We have assigned a 20 percent evaluation for your degenerative arthritis, spinal stenosis, and incomplete paraplegia due to spinal cord injury C5-6 from ruptured disc, s/p cervical based on:
• Forward flexion of the cervical spine greater than 15 degrees but not greater than 30 degrees

Additional symptom(s) include:
• X-ray evidence of degenerative arthritis
• Combined range of motion of the cervical spine greater than 170 degrees but not greater than 335 degrees
• Guarding not resulting in abnormal gait or abnormal spinal contour
• 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 are not warranted.

A higher evaluation of 30 percent is not warranted for cervical strain unless the evidence shows:
• Favorable ankylosis of the entire cervical spine; or,
• Forward flexion of the cervical spine 15 degrees or less.

This decision constitutes a full grant of the benefits sought on appeal for this issue.

2. Service connection for loss of use of the lower extremities as secondary to the service-connected disability of degenerative arthritis, spinal stenosis, and incomplete paraplegia due to spinal cord injury C5-6 from ruptured disc, s/p cervical.

VA Examination, Logistics Health Inc. (LHI), dated April 11, 2018, notes loss of use of the lower extremities due to your cervical spine condition.

Service connection for loss of use of the lower extremities has been established as related to the service-connected disability of degenerative arthritis, spinal stenosis, and incomplete paraplegia due to spinal cord injury C5-6 from ruptured disc, s/p cervical.

An evaluation of 100 percent is assigned from November 15, 2015, the date VA received your claim for a cervical spine condition for which this condition has been determined to be secondary.

We have assigned a 100 percent evaluation for your loss of use of the lower extremities based on:
• Loss of use of both feet

This is the highest schedular evaluation allowed under the law for loss of use of both feet.

3. Service connection for loss of use of the right upper extremity as secondary to the service-connected disability of degenerative arthritis, spinal stenosis, and incomplete paraplegia due to spinal cord injury C5-6 from ruptured disc, s/p cervical.

VA Examination, Logistics Health Inc. (LHI), dated April 11, 2018, notes loss of use of the right upper extremity due to your cervical spine condition.

Service connection for loss of use of the right upper extremity has been established as related to the service-connected disability of degenerative arthritis, spinal stenosis, and incomplete paraplegia due to spinal cord injury C5-6 from ruptured disc, s/p cervical.

An evaluation of 70 percent is assigned from November 15, 2015 the date VA received your claim for a cervical spine condition for which this condition has been determined to be secondary.

We have assigned a 70 percent evaluation for your loss of use of the right upper extremity based on:
• Loss of use of the major hand

A higher evaluation of 80 percent is not warranted for loss of use of one hand unless the evidence shows amputation of the arm above insertion of pronator teres.

Additionally, a higher evaluation of 100 percent is not warranted for loss of use of one hand unless the evidence shows amputation or loss of use of another extremity at any level.

4. Service connection for radiculopathy, left upper extremity as secondary to the service-connected disability of degenerative arthritis, spinal stenosis, and incomplete paraplegia due to spinal cord injury C5-6 from ruptured disc, s/p cervical.

Service connection for radiculopathy, left upper extremity has been established as related to the service-connected disability of degenerative arthritis, spinal stenosis, and incomplete paraplegia due to spinal cord injury C5-6 from ruptured disc, s/p cervical.

An evaluation of 30 percent is assigned from November 15, 2015, the date VA received your claim for a cervical spine condition for which this condition has been determined to be secondary.

We have assigned a 30 percent evaluation for your radiculopathy, left upper extremity based on:
• Moderate incomplete paralysis of the minor extremity

This is the highest schedular evaluation allowed under the law for neuralgia of the upper radicular nerve group.

5. Entitlement to special monthly compensation based on loss of use.

Entitlement to special monthly compensation is warranted in this case because criteria regarding loss of use of Both lower extremities and right upper extremity were met from November 15, 2015.

6. Entitlement to specially adapted housing.

A certificate of eligibility for assistance in acquiring specially adapted housing under 38 U.S.C. 2101(a) may be extended when the veteran is permanently disabled as the result of the loss or loss of use of one lower extremity together with the loss of use of one upper extremity which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

Entitlement to special housing assistance is established based on this level of impairment which is caused by the service-connected condition of loss of use of the right upper extremity and both

lower extremities..

7. Entitlement to automobile or other conveyance and adaptive equipment or for adaptive equipment only.

A certificate of eligibility for financial assistance in the purchase of one automobile or other conveyance and of basic entitlement to necessary adaptive equipment will be made when the veteran is entitled to compensation under chapter 11 of title 38, United States Code and has loss or permanent loss of use of one or both feet which is the result of injury or disease incurred or aggravated during active military service. Entitlement to automobile and adaptive equipment is established based on this level of impairment.

8. Eligibility to Dependents' Educational Assistance under 38 U.S.C. Chapter 35.

Eligibility to Dependents' Educational Assistance is derived from a veteran who was discharged under other than dishonorable conditions; and, has a permanent and total service-connected disability; or a permanent and total disability was in existence at the time of death; or the veteran died as a result of a service-connected disability. Also, eligibility exists for a serviceperson who died in service. Finally, eligibility can be derived from a service member who, as a member of the armed forces on active duty, has been listed for more than 90 days as: missing in action; captured in line of duty by a hostile force; or forcibly detained or interned in line of duty by a foreign government or power.

Basic eligibility to Dependents' Education Assistance is granted as the evidence shows the veteran currently has a total service-connected disability, permanent in nature.

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.

DEPARTMENT OF VETERANS AFFAIRS

May 21, 2018

[redacted]

In Reply Refer To: [redacted]

[redacted]

We made a decision on your Notice of Disagreement received on June 27, 2016.

This letter tells you about your entitlement amount and payment start date and what we decided. It includes a copy of our rating decision that gives the evidence used and reasons for our decision. We have also included information about additional benefits, what to do if you disagree with our decision, and who to contact if you have questions or need assistance.

Your Award Amount and Payment Start Date

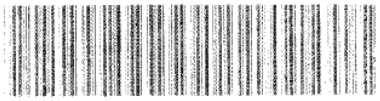
Your monthly entitlement amount is shown below:

Monthly Entitlement Amount	Payment Start Date	Reason For Change
$4,517.17	Dec 1, 2015	Original Award
$4,530.72	Dec 1, 2016	Cost of Living Adjustment
$4,621.34	Dec 1, 2017	Cost of Living Adjustment
$4,355.21	Jun 1, 2018	School Child Adjustment

We are paying you as a veteran with two dependents. Your payment includes an additional amount for your spouse [redacted] *Let us know right away if there is any change in the status of your dependents.*

You Can Expect Payment

Your payment begins the first day of the month following your effective date. You will receive a payment covering the initial amount due under this award, minus any withholdings. Thereafter, payment will be made at the beginning of each month for the prior month. For example, benefits due for May are paid on or about June 1.



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

If this account is no longer open,
please notify us immediately.

What We Decided

1. Service connection for degenerative arthritis, spinal stenosis, and incomplete paraplegia due to spinal cord injury C5-6 from ruptured disc, s/p cervical is granted with an evaluation of 20 percent effective November 15, 2015. This decision constitutes a full grant of the benefits sought on appeal for this issue.

2. Service connection for loss of use of the lower extremities is granted with an evaluation of 100percent effective November 15, 2015.

3. Service connection for loss of use of the right upper extremity is granted with an evaluation of70 percent effective November 15, 2015.

4. Service connection for radiculopathy, left upper extremity is granted with an evaluation of 30 percent effective November 15, 2015.

5. Entitlement to special monthly compensation based on loss of use of both lower extremities and right upper extremity is granted from November 15, 2015.

6. Entitlement to specially adapted housing is established.

7. Entitlement to automobile or other conveyance and adaptive equipment is established.

8. Basic eligibility to Dependents' Educational Assistance is established from November 15, 2015.

No examination will be scheduled in the future for your permanent and total disability/disabilities.

Your overall or combined rating is 100% effective November 15, 2015. We do not add the individual percentages of each condition to determine your combined rating. We use a