Statement of the Case	*Department of Veterans Affairs Regional Office*	Page 1 04/10/2019

NAME OF VET	VA FILE NUMBER	SOCIAL	POA
M[redacted]	2[redacted]	[redacted]	GEORGIA DEPARTMENT OF VETERAN SERVICE

ISSUE:

1. Evaluation of degenerative joint disease of the lumbosacral spine currently evaluated at 0 percent disabling.
2. Evaluation of right knee sprain currently evaluated at 0 percent disabling.
3. Evaluation of obstructive sleep apnea (OSA) currently evaluated at 50 percent disabling.
4. Service connection for left knee condition.
5. Service connection for metatarsalgia. (also claimed as left foot injury)

Note: In a separate rating action service connection was granted for a mental disorder, fibromyalgia, and bilateral lower extremity radiculopathy. Award information will be provided under a separate cover.

EVIDENCE:

VA Form 21-0958, Notice of Disagreement, received February 24, 2015
VA Form 21-526c Veteran's Pre-Discharge Compensation Claim, received April 26, 2013
Section (§) 5103 Notice Veterans Claims Assistance Act (VCAA), August 29, 2013
VA form 21-4138, Statement In Support of Claim, received December 18, 2018
Service Treatment Records, from January 20, 2009 through May 31, 2013
VAMC (Veterans Affairs Medical Center) Fibromyalgia Disability Benefits Questionnaire(DBQ) Examination, VAMC Atlanta, July 26, 2013
VAMC (Veterans Affairs Medical Center) Foot Conditions Disability Benefits Questionnaire(DBQ) Examination, VAMC Atlanta, July 26, 2013
VAMC (Veterans Affairs Medical Center) Sleep Apnea Disability Benefits Questionnaire(DBQ) Examination, VAMC Atlanta, July 26, 2013
VAMC (Veterans Affairs Medical Center) Mental Disorders Disability Benefits Questionnaire (DBQ) Examination, VAMC Atlanta, July 17, 2013
VAMC (Veterans Affairs Medical Center) Back (Thoracolumbar Spine) Conditions Disability Benefits Questionnaire (DBQ) Examination, VAMC Atlanta, August 6, 2013
VAMC (Veterans Affairs Medical Center) treatment records, VAMC Atlanta, from June 17,2013 through March 28, 2019
Logistics Health Incorporated Back (Thoracolumbar Spine) Conditions Disability Benefit Questionnaire (DBQ) Examination, January 4, 2019
Logistics Health Incorporated Sleep Apnea Disability Benefit Questionnaire (DBQ)Examination, November 10, 2018
Logistics Health Incorporated Knee and Lower Leg Conditions Disability Benefit Questionnaire (DBQ) Examination, January 4, 201
Logistics Health Incorporated Fibromyalgia Disability Benefit Questionnaire (DBQ)Examination, January 4, 2019
Logistics Health Incorporated Foot Conditions Disability Benefit Questionnaire (DBQ)Examination, January 4, 2019

Statement of the Case. If a Supplemental Statement of the Case covers issues that were not included in the original Statement of the Case, a Substantive Appeal must be filed with respect to those issues within 60 days in order to perfect an appeal with respect to the additional issues. (Authority: 38 U.S.C. 7105(d)(3))

VA, in determining all claims for benefits that have been reasonably raised by the filings and evidence, has applied the benefit-of-the-doubt and liberally and sympathetically reviewed all submissions in writing from the Veteran as well as all evidence of record.

DECISION:

1. Evaluation of degenerative joint disease of the lumbosacral spine, which is currently 0 percent disabling, is increased to 10 percent effective March 3, 2016. A 20 percent evaluation is granted effective January 4, 2019.
2. Evaluation of right knee sprain, which is currently 0 percent disabling, is increased to 10 percent effective February 26, 2015.
3. Evaluation of obstructive sleep apnea (OSA), which is currently 50 percent disabling, is continued.
4. Service connection for left knee condition is denied.
5. Service connection for metatarsalgia is denied.

REASONS AND BASES:

In your notice of disagreement (NOD) you contended disagreement with VA decision notification dated February 24, 2014. A request for a personnel hearing was withdrawn in lieu of VA examinations.

1. Evaluation of degenerative joint disease of the lumbosacral spine currently evaluated at 0 percent disabling.

It is the determination of the Decision Review Officer (DRO) that the evidentiary record supports a change in the previous determination. All reasonable doubt is resolved in your favor. (38 CFR 3.102, 38 CFR 4.3) This decision is based in whole on a de novo review of the evidentiary record contained within the claims record without deference to the prior determination under authority of 38 C.F.R. 3.2600.

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