



**DEPARTMENT OF VETERANS AFFAIRS  
Louisville VA Regional Office  
545 S. Third St.  
Louisville, KY 40202**

[REDACTED]

**VA File Number**

**404 11 3834**

**Represented by:  
KENTUCKY CENTER FOR VETERANS AFFAIRS**

**Rating Decision  
February 27, 2004**

**INTRODUCTION**

The records reflect that you are a veteran of the Peacetime and Gulf War Era. You served in the Army from September 12, 1984 to August 24, 1996 and from August 25, 1996 to May 19, 1999. You filed a claim for an increased evaluation as well as additional service-connected conditions that we received on January 30, 2003. Based on a review of the evidence listed below, we have made the following decisions on your claim.

**DECISION**

- 1 . Service connection for depressive disorder is granted with an evaluation of 50 percent effective January 30, 2003.
- 2 . Evaluation of status-post discectomy and anterior fusion, cervical spine, at C5-C6 with arthritis, which is currently 10 percent disabling, is increased to 20 percent effective January 30, 2003.



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~~2.~~ Evaluation of status-post diskectomy and anterior fusion, cervical spine, at C5-  
C6 with arthritis currently evaluated as 10 percent disabling. 2670

We granted an increased evaluation of your service-connected neck condition because the evidence shows this condition has worsened. Your treatment records from the VAMC in Louisville show recurrent complaints of neck pain and stiffness. At your July 2003 VA exam you had complaints of daily neck pain with radiation of this pain into both arms and


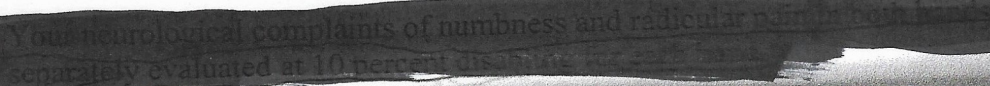




hands. The examiner noted a muscle spasm in the C5-6 area. Your flexion was decreased to 30 degrees (normal is 45) and extension was decreased to 20 degrees (normal is 45). Rotation and lateral bending were also decreased. All movements were associated with pain. Your reflexes were equal and the examiner noted that your grip strength was normal.

An increased evaluation of 20 percent is assigned from January 30, 2003, the date we received your claim. The rating criteria for evaluating spine and neck conditions changed on September 26, 2003. Your increased evaluation is based on the "old" criteria that were in place prior to the September 2003 change. Under this "old" criteria, an evaluation of 20 percent was assigned whenever there was moderate limitation of motion of the cervical spine, or demonstrable deformity of a vertebral body from fracture with slight limitation of motion. A higher evaluation of 30 percent is not warranted unless there is severe limitation of motion of the cervical spine, or moderate limitation of motion with demonstrable deformity of a vertebral body from fracture.

As stated above, regulatory changes revised the criteria for spine disorders effective 09-26-03. As long as the 20 percent evaluation criteria under the old rating schedule are met, the 20 percent evaluation will remain unchanged. Increased evaluations subsequent to 09-26-03 may only be granted based on the revised (new) criteria. The revised criteria have been considered in this case and would not warrant an increased evaluation. Under the new criteria, a higher evaluation of 30 percent is not assigned unless there is forward flexion of the cervical spine 15 degrees or less; or, favorable ankylosis of the entire cervical spine.

  Your neurological complaints of numbness and radicular pain in both hands separately evaluated at 10 percent disability.