DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Regional Office

[redacted]

VA File Number
[redacted]

Represented By:
DISABLED AMERICAN VETERANS
Rating Decision
05/13/2019

INTRODUCTION

The records reflect that you are a veteran of the Gulf War Era. You served in the Marine Corps from [redacted]. You filed a new claim for benefits that was received on December 4, 2018. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1. The evaluation of right ankle strain and residuals of fracture, now also claimed as psoriatic arthritis, which is currently 10 percent disabling, is continued.

2. Service connection for psoriatic arthritis of the left ankle is denied.

3. Service connection for psoriatic arthritis of the left elbow is denied.

4. Service connection for psoriatic arthritis of the left foot is denied.

5. Service connection for psoriatic arthritis of the left hand is denied.

6. Service connection for psoriatic arthritis of the left shoulder is denied.

7. Service connection for psoriatic arthritis of the left wrist is denied.

8. Service connection for psoriatic arthritis of the right elbow is denied.

9. Service connection for psoriatic arthritis of the right foot is denied.

10. Service connection for psoriatic arthritis of the right hand is denied.

11. Service connection for psoriatic arthritis of the right wrist is denied.

12. The previous denial of service connection for a back condition, now also claimed as psoriatic arthritis, to include the low back and sacroiliac joints, is confirmed and continued.

13. The previous denial of service connection for a chronic left knee strain, now also claimed as psoriatic arthritis, is confirmed and continued.

14. The previous denial of service connection for a chronic right hip strain, now also claimed as psoriatic arthritis, is confirmed and continued.

15. The previous denial of service connection for a chronic right shoulder strain, now also claimed as psoriatic arthritis, is confirmed and continued.

EVIDENCE

- VA Form 21-526EZ, Application for Disability Compensation and Related Compensation Benefits, received on December 4, 2018
- VA Form 21-0966, Intent to File a Claim (for Compensation), received on November 16, 2018
- VA Form 21-0960M-3, Non-Degenerative Arthritis Disability Benefits Questionnaire (DBQ), received on December 4, 2018
- VA contract medical opinion report from Veterans Evaluation Solutions, dated December 15, 2018
- VA contract examination report from QTC Medical Services, dated April 10, 2019

REASONS FOR DECISION

1. The evaluation of a right ankle strain and residuals of fracture, currently evaluated as 10 percent disabling.

The evaluation of right ankle strain and residuals of fracture is continued as 10 percent disabling.

We reviewed the evidence received and determined that your service-connected condition hasn't increased in severity sufficiently to warrant a higher evaluation.

We have assigned a 10 percent evaluation for your right ankle strain, based on:
• Painful motion of the ankle (38 CFR §4.59 allows consideration of functional loss due to painful motion to be rated to at least the minimum compensable rating for a particular joint. Since you reported painful motion (inflammation) of the ankle, the minimum compensable evaluation of 10 percent is assigned.)

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 applied under 38 CFR §4.59.

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

A higher evaluation of 20 percent is not warranted for limitation of motion of the ankle unless the evidence shows:
• Marked limitation of motion of the ankle, based on dorsiflexion of less than 5 degrees or plantar flexion of less than 10 degrees. (38 CFR 4.71a)

2. Service connection for psoriatic arthritis of the left ankle.

Service connection for psoriatic arthritis of the left ankle is not established. Service connection may only be granted for a chronic disability which began in military service or was caused by some event or experience in service.

The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The VA medical opinion found no persistent disability.

The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6) The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

Service connection for psoriatic arthritis of the left ankle is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed. (38 CFR 3.303)

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

3. Service connection for psoriatic arthritis of the left elbow.

Service connection for psoriatic arthritis of the left elbow is not established. Service connection may only be granted for a chronic disability which began in military service or was caused by some event or experience in service.

The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The VA medical opinion found no persistent disability.

The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6) The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

Service connection for psoriatic arthritis of the left elbow is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed. (38 CFR 3.303)

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

4. Service connection for psoriatic arthritis of the left foot.

Service connection for psoriatic arthritis of the left foot is not established. Service connection may only be granted for a chronic disability which began in military service or was caused by some event or experience in service.

The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The VA medical opinion found no persistent disability.

The medical opinion we received from the VA contract examination was more persuasive than

your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6) The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

Service connection for psoriatic arthritis of the left foot is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed. (38 CFR 3.303)

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

5. Service connection for psoriatic arthritis of the left hand.

Service connection for psoriatic arthritis of the left hand is not established. Service connection may only be granted for a chronic disability which began in military service or was caused by some event or experience in service.

The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The VA medical opinion found no persistent disability.

The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6) The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

Service connection for psoriatic arthritis of the left hand is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed. (38 CFR 3.303)

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

6. Service connection for psoriatic arthritis of the left shoulder.

Service connection for psoriatic arthritis of the left shoulder is not established. Service connection may only be granted for a chronic disability which began in military service or was caused by some event or experience in service.

The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The VA medical opinion found no persistent disability.

The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6) The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

Service connection for psoriatic arthritis of the left shoulder is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed. (38 CFR 3.303)

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

7. Service connection for psoriatic arthritis of the left wrist.

Service connection for psoriatic arthritis of the left wrist is not established. Service connection may only be granted for a chronic disability which began in military service or was caused by some event or experience in service.

The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The VA medical opinion found no persistent disability.

The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a

thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6) The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

Service connection for psoriatic arthritis of the left wrist is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed. (38 CFR 3.303)

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

8. Service connection for psoriatic arthritis of the right elbow.

Service connection for psoriatic arthritis of the right elbow is not established. Service connection may only be granted for a chronic disability which began in military service or was caused by some event or experience in service.

The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The VA medical opinion found no persistent disability.

The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6) The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

Service connection for psoriatic arthritis of the right elbow is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed. (38 CFR 3.303)

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

9. Service connection for psoriatic arthritis of the right foot.

Service connection for psoriatic arthritis of the right foot is not established. Service connection may only be granted for a chronic disability which began in military service or was caused by some event or experience in service.

The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The VA medical opinion found no persistent disability.

The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6) The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

Service connection for psoriatic arthritis of the right foot is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed. (38 CFR 3.303)

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

10. Service connection for psoriatic arthritis of the right hand.

Service connection for psoriatic arthritis of the right hand is not established. Service connection may only be granted for a chronic disability which began in military service or was caused by some event or experience in service.

The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The VA medical opinion found no persistent disability.

The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more

convincing rationale. (38 CFR 4.6) The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

Service connection for psoriatic arthritis of the right hand is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed. (38 CFR 3.303)

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

11. Service connection for psoriatic arthritis of the right wrist.

Service connection for psoriatic arthritis of the right wrist is not established. Service connection may only be granted for a chronic disability which began in military service or was caused by some event or experience in service.

The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The VA medical opinion found no persistent disability.

The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6) The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

Service connection for psoriatic arthritis of the right wrist is denied because the medical evidence of record fails to show that this disability has been clinically diagnosed. (38 CFR 3.303)

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

12. Service connection for a back condition.

The claim for service connection for a back condition is considered reopened. (38 CFR 3.156) However, the evidence continues to show that this condition was not incurred in or aggravated by military service. (38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

The Rating Decision dated June 1, 2010, denied service connection for this condition because it was not shown in service. You were notified of this decision on June 16, 2010, We received your medical evidence which discusses the symptoms of your medical condition.

The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6) The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

The evidence does not support a change in our prior decision. Therefore, we are confirming the previous denial of this claim.

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

13. Service connection for a chronic left knee strain.

The claim for service connection for a chronic left knee strain is considered reopened. (38 CFR 3.156) However, the evidence continues to show that this condition was not incurred in or aggravated by military service. (38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

The Rating Decision dated June 6, 2010, denied service connection for this condition because it was not shown in service and the VA medical opinion found no link between your diagnosed medical condition and military service. You were notified of this decision on June 16, 2010. We received your medical evidence which discusses the symptoms of your medical condition.

The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6) The evidence does not

show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

The evidence does not support a change in our prior decision. Therefore, we are confirming the previous denial of this claim.

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

You have been diagnosed with a disability. The VA contract exam report shows a diagnosis of a left knee strain.

14. Service connection for a chronic right hip strain.

The claim for service connection for a chronic right hip strain is considered reopened. (38 CFR 3.156) However, the evidence continues to show that this condition was not incurred in or aggravated by military service. (38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

The Rating Decision dated June 1, 2010, denied service connection for this condition because although you reported symptoms of a right hip condition during service, no chronic disabling condition was found to be related to your military service. The separation examination showed no chronic conditions. The VA medical opinion found no persistent disability. We received your medical evidence which discusses the symptoms of your medical condition.

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6) The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The evidence does not support a change in our prior decision. Therefore, we are confirming the previous denial of this claim.

Favorable Findings identified in this decision:

The evidence shows that a qualifying event, injury, or disease had its onset during your service. You reported symptoms of a right hip condition in service.

You have been diagnosed with a disability. The prior VA examination diagnosed you with a right hip strain.

The claimed primary disability is service-connected. You are service-connected for psoriasis.

15. Service connection for a chronic right shoulder strain.

The claim for service connection for a chronic right shoulder strain is considered reopened. (38 CFR 3.156) However, the evidence continues to show that this condition was not incurred in or aggravated by military service. (38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.306)

The Rating Decision dated June 1, 2010, denied service connection for this condition because it was not shown in service. You were notified of this decision on June 16, 2010. We received your medical evidence which discusses the symptoms of your medical condition.

The evidence does not show that your condition resulted from, or was aggravated by, a service-connected disability. (38 CFR 3.303, 38 CFR 3.304) The evidence does not show that your disease developed to a compensable degree within the specified time period after release from service to qualify for the presumption of service connection. (38 CFR 3.307, 38 CFR 3.309)

The VA contract medical opinion dated December 15, 2018, was not based on a review of your claims file or an in-person examination.

The medical opinion we received from the VA contract examination was more persuasive than your private physician's opinion because it was based on an in-person examination and a thorough review of your relevant military and /or personal history and contained a more convincing rationale. (38 CFR 4.6)

The evidence does not support a change in our prior decision. Therefore, we are confirming the previous denial of this claim.

Favorable Findings identified in this decision:

The claimed primary disability is service-connected. You are service-connected for psoriasis.

REFERENCES: