DEPARTMENT OF VETERANS AFFAIRS
REGIONAL OFFICE
5500 E Kellogg
Wichita Ks 67218

Dennis L. Brown

VA File Number
[redacted]

Rating Decision
September 4, 2003

INTRODUCTION

The records reflect that you are a veteran of the Gulf War Era. You served in the Army from June 8, 1994 to October 3, 1994 and from September 4, 1997 to June 19, 2002. You filed an original disability claim that was received on October 30, 2002. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

1 . Service connection for left knee Fulkerson and lateral release surgery residuals is granted with an evaluation of 10 percent effective June 20, 2002.

2 . Service connection for bilateral wrist condition is denied.

3 . Service connection for decreased eyesight is denied.

4 . Service connection for right knee disorder is denied.

EVIDENCE

- VA exam 7-29-03
- partial service medical records to include the entrance physical and 3 pages of records referring to left knee surgery 8-27-01
- DD 214

REASONS FOR DECISION

1. Service connection for left knee Fulkerson and lateral release surgery residuals.

Service connection for left knee Fulkerson and lateral release surgery residuals has been established as directly related to military service. We have not been able to obtain the full service medical records. However, we do have a copy of the entrance physical exam and three pages of records from August and September of 2001. The entrance exam showed no evidence of knee problems. The treatment reports showed there was surgery 8-27-01 for left knee pain. A Fulkerson and lateral release procedure was done. Service connection is established despite the lack of full service medical records. There is evidence of surgery in service, no evidence of preceding knee problems, and current evidence of continued knee pain.

The VA C&P exam showed continued use of a brace with reported pain on motion. There was tenderness. The exam showed full range of motion, no swelling, no instability and no subluxation.

An evaluation of 10 percent is assigned from June 20, 2002, the day following service. This evaluation considers loss of function and motion as well as the principle that it is the intent of the rating schedule to recognize as compensable joints that are painful. (38 CFR 4.40, 4.45, and 4.59) A 10 percent evaluation is assigned for painful or limited motion of a major joint or group of minor joints, and may also be applied once to multiple joints if there is no limited or painful motion. A 20 percent evaluation is not warranted unless X-ray evidence shows involvement of two or more major joints or two or more minor joint groups with occasional incapacitating exacerbations.

2. Service connection for bilateral wrist condition.

Service connection is denied for wrist conditions because the VA exam found no evidence of any diagnosable current wrist disorder. There was a history of past sprains but no present evidence of continuing disability.

The complete service medical records are not available and it is not known whether there were wrist complaints in service. However, since no current wrist disorder is found service connection is denied.

3. Service connection for decreased eyesight.

The VA exam showed no condition other than low hyperopia. This condition is considered a congenital or developmental defect which is unrelated to military service and not subject to service connection. There is no evidence of a decrease in vision that is the product of any injury or disease coincident to military service.

4. Service connection for right knee disorder.

Service connection for right knee disorder is denied since the VA exam found no right knee condition. There was full range of motion, no x-ray evidence of disability, and no tenderness. The complete service medical records are not available. However, in the absence of evidence of any current right knee disorder, service connection is not in order.

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 web site, www.va.gov.