5 . Service connection for bilateral hearing loss is denied.

EVIDENCE

- DD Form 214 for service from January 30, 2001 through June 21, 2007
- Service Treatment Records (STR) from December 1, 2000 through February 6, 2007
- Military Personnel Records received November 29, 2010
- VA Form 21-526, Veteran's Application for Compensation and/or Pension received July 6, 2010
- Veterans Claims Assistance Act (VCAA) letters dated July 20, 2010 and August 9, 2010
- VA Form 21-0781, Statement in Support of Claim for Service Connection for PTSD, with stressor statement and additional claims, received July 30, 2010
- Memorandum regarding verification of in-service stressor dated November 29, 2010
- VA treatment records, VA Medical Center, from June 30, 2008 through January 18, 2011, including copies of VA treatment records you provided
- VA exams, VA Medical Center, dated January 10, 2011, January 12, 2011, January 25, 2011 and addendum dated March 22, 2011

REASONS FOR DECISION

1. Service connection for post traumatic stress disorder (PTSD).

We have granted service connection for post traumatic stress disorder (PTSD) as directly related to military service. We have assigned a 50 percent evaluation effective July 6, 2010, the day we received your claim. Since there is a likelihood of improvement, the assigned evaluation is not considered permanent and is subject to a future review examination.

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Your STRs are negative for any treatment of or diagnosis of a mental disorder, including PTSD. Your combat stressors have been verified. Upon examination, the VA examiner diagnosed PTSD and stated it was at least as likely as not your PTSD is related to your combat experiences.

The examiner assigned a Global Assessment of Functioning (GAF) score of 40. A GAF of 31-40 generally represents some major impairment in social and occupational functioning.

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2. Service connection for low back strain.

We have granted service connection for low back strain as directly related to military service. We have assigned a 20 percent evaluation effective July 6, 2010, the day we received your claim.

Your STRs show complaints of back pain in October 2003 with complaints of muscle spasms in November 2003. On post-deployment exam in August 2005, you reported you had back pain during your deployment. VA treatment records show complaints of low back pain in August 2010. The examiner noted range of motion was good but you did have some muscle spasms. You were prescribed Naproxen and were referred for physical therapy consult.

A higher evaluation of 40% is not warranted unless there is forward flexion of the thoracolumbar spine of 30 degrees or less; or, favorable ankylosis of the entire thoracolumbar spine.

On VA exam, you reported your pain is 8/10. You have not had any periods of incapacitation due to your back. You do not report any flare-ups. You did not report any weakness, decreased motion, numbness, paresthesia, leg or foot weakness, bowel/bladder problems or erectile dysfunction. You do not use a back brace or cane. You are not unsteady due to your back and have not fallen because of your back. You report you can walk only half a block. You have no limitation on standing.

Based on limitation of flexion, we have assigned a 20 percent evaluation.

3. Service connection for headaches.

We may grant service connection for a disability which began in military service or was caused by some event or experience in service.

You report you have headaches occurring twice a day. They are not precipitated by anything in particular although you do report some light sensitivity. The headaches are in the frontal area of the head. You take aspirin for the headaches.

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Your STRs are negative for any treatment of or diagnosis of headaches. On your post-deployment exam in 2005 you denied any headaches. On separation, you denied any headaches. VA treatment records are negative for any treatment of or diagnosis of headaches. On VA exam, the examiner stated there was no evidence of any residuals of a traumatic brain injury.

We have denied service connection for headaches because the evidence of record fails to show this disability was incurred in or caused by military service.

4. Service connection for tinnitus.

We may grant service connection for a disability which began in military service or was caused by some event or experience in service.

You contend you have had intermittent ringing in your ears since an explosion in March 2005. Your STRs are negative for any complaints of or diagnosis of tinnitus. On post-deployment exam in August 2005, you denied any ringing in your ears. VA treatment records are negative for any complaints of or diagnosis of tinnitus. Your DD Form 214 shows you were a heavy equipment operator so exposure to acoustic trauma is conceded. We scheduled you for an audio exam. However, the examiner reported the results were inconsistent and, therefore, unreliable.

We have denied service connection for tinnitus because the evidence of record fails to show this disability was incurred in or caused by military service.

5. Service connection for bilateral hearing loss.

Service connection for bilateral hearing loss is denied because there is no evidence that you currently have a hearing loss for VA purposes. Service connection may not be established for disability due to impaired hearing unless the auditory threshold in any of the frequencies 500, 1000, 2000, 3000 or 4000 Hertz is 40 decibels or greater; or the auditory thresholds for at least three of the frequencies 500, 1000, 2000, 3000 or 4000 Hertz are 26 decibels or greater; or speech recognition scores using the Maryland CNC Test are less than 94 percent. (38 CFR 3.385). There are no audiometric findings in your service treatment records that meet the above requirements.

You reported in-service acoustic trauma, but service connection based on military noise exposure alone cannot be granted. For service connection to be considered there must first be a showing of actual hearing loss for VA purposes. Although you attended your VA examination, the examiner noted that the audiometric scores were inconsistent or not reliable. As no reliable audiometric findings were available, the evidence does not show that you currently have disabling hearing for VA purposes. In this case, the evidence of record does not show current audiometric findings which meet the criteria for a grant of service connection for hearing loss. As you do not currently meet the criteria for hearing loss for VA purposes, service connection may not be granted.

REFERENCES:

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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.

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