- VA Form 20-0995 Supplemental Claim Application received 01-02-20
- Review of rating decision dated 05-21-10 and 09-12-19 to include service medical records for the period 0-09-94 to 05-01-01 and VA examination dated 01-10-18
- Records from VAMC Las Vegas dated 07-18-12 to 12-13-19
- Statements from veteran and spouse received 01-02-20
- Sleep study from Sleep Center of Nevada dated 02-16-16
- Copy of BVA decisions affecting other veterans received 01-03-20
- Articles on sleep apnea and reflux, aortic aneurysm received 01-02-20
- VA examination dated 02-07-20, conducted at VAMC Las Vegas

REASONS FOR DECISION

1. Evaluation of migraine headaches currently evaluated as 0 percent disabling.

The evaluation of migraine headaches is increased to 50 percent disabling effective January 2, 2020. (38 CFR 4.1, 38 CFR 3.400)

The effective date 01-02-20, is based on the date we received your reopened claim and represents the earliest date evidence factually shows your migraines have increased in severity. (38 CFR 3.2500)

We have assigned a 50 percent evaluation for your migraine headaches based on:
• Very frequent completely prostrating and prolonged attacks productive of severe economic inadaptability

Additional symptom(s) include:
• Characteristic prostrating attacks occurring on an average once a month over last several months

This is the highest schedular evaluation allowed under the law for migraine. (38 CFR 4.120, 38 CFR 4.124a)

2. Eligibility to Dependents' Educational Assistance under 38 U.S.C. Chapter 35.

Eligibility to Dependents' Educational Assistance is derived from a veteran who was discharged under other than dishonorable conditions; and, has a permanent and total service-connected disability; or a permanent and total disability was in existence at the time of death; or the veteran died as a result of a service-connected disability. Also, eligibility exists for a serviceperson who died in service. Finally, eligibility can be derived from a service member who, as a member of the armed forces on active duty, has been listed for more than 90 days as: missing in action; captured in line of duty by a hostile force; or forcibly detained or interned in line of duty by a foreign government or power. (38 USC Ch. 35, 38 CFR 3.807)

Basic eligibility to Dependents' Education Assistance is granted as the evidence shows you

5. Evaluation of migraine headaches currently evaluated as 30 percent disabling.

The evaluation of migraine headaches is decreased to 0 percent effective January 10, 2018. Current exam findings do not support the previously assigned 30 percent evaluation. Migraine headaches are rated based on prostrating attacks. Your examination notes that you do not have characteristic prostrating attacks of migraine/non-migraine headache pain. Therefore, a noncompensable evaluation is warranted. As this reduction does not change your overall combined evaluation, due process is not needed and the change will be effective January 10, 2018, the date of the compensation examination supporting the reduction.

We have assigned a noncompensable evaluation for your migraine headaches based on:
- A diagnosed disability with no compensable symptoms

A higher evaluation of 10 percent is not warranted unless there are characteristic prostrating attacks averaging one in 2 months over last several months.

6. Service connection for right knee arthritis.

Service connection may be granted for a 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. Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. 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. We did not find a link between your medical condition and military service.

Service connection for right knee arthritis is denied since this condition neither occurred in nor was caused by service.

7. Evaluation of scars, left hand, posterior trunk, and anterior trunk associated with post operative residuals of fracture of 2nd and 3rd metacarpal, cholecystectomy, and thoracic aneurysm currently evaluated as 0 percent disabling.

The evaluation for scars, left hand, posterior trunk, and anterior trunk associated with post operative residuals of fracture of 2nd and 3rd metacarpal, cholecystectomy, and thoracic aneurysm is deferred for the following: Compensation examination

REFERENCES:

FROM 2/6/18 Decision Date

Department of Veterans Affairs

Expiration Date: 2/28/2022

VA DATE STAMP
DO NOT WRITE IN THIS SPACE

DECISION REVIEW REQUEST: SUPPLEMENTAL CLAIM

INSTRUCTIONS: PLEASE READ THE PRIVACY ACT NOTICE AND RESPONDENT BURDEN INFORMATION ON PAGE 2 BEFORE COMPLETING THIS FORM.

PART I - CLAIMANT'S IDENTIFYING INFORMATION

Headaches	
Sleep Apnea	9/16/19
Sleep Apnea secondary to cervical spine arthritis	9/16/19
Sleep Apnea secondary to thoracolumbar spine arthritis	9/16/19
sleep apnea secondary to gastritis	9/16/19
sleep apnea secondary to general anxiety disorder and major depression	9/16/19
sleep apnea secondary to GERD and thoracic aneurysm repair.	9/16/19

November 2, 2018 11/2/18

on the original letter.

We received your election to participate in the Rapid Appeals Modernization Program (RAMP) on September 27, 2018. In response to your request, we have withdrawn your appeals and discontinued appeals processing on the following conditions:

- migraine, thoracolumbar spine arthritis, hypertension, erectile dysfunction, sleep apnea, depressive disorder, ischemic attack, post-operative residuals of traumatic thoracic aneurysm with left leg paresthesia, heart murmur, left knee osteoarthritis and unemployability.

Your appeal can no longer be reinstated under the current appeals process.

You elected to have the above noted conditions reviewed under the higher-level review lane.

We will review your claim and provide you with a new decision based on the review option selected. If we need additional information from you or find an error in the processing of your claim, we will notify you.

Note: Any issue(s) currently pending on appeal that **are not** listed above will remain in the legacy appeal process.

If You Have Questions or Need Assistance

If you have any questions or need assistance with this claim, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do.
Telephone	Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.