



**DEPARTMENT OF VETERANS AFFAIRS**  
**Veterans Benefits Administration**  
**Regional Office**

**JAMES MURPHY**

**VA File Number**

**Rating Decision**  
**06/29/2020**

**INTRODUCTION**

The records reflect that you are a veteran of the Peacetime. You served in the Army from April 24, 1985 to March 15, 1988. You filed a claim for increased evaluation that was received on June 19, 2020. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

**DECISION**

Evaluation of migraine headaches, which is currently 0 percent disabling, is increased to 50 percent effective February 27, 2020.

**EVIDENCE**

- VA contract examination (QTC), migraine headaches disability benefits questionnaire, June 26, 2020
- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, incorrect application (previously denied mental condition only), June 26, 2020
- Private Treatment Records, multiple entries, Dr. Brett Valette, Ph.D., dated June 26, 2020
- mental conditions disability benefits questionnaire, submitted by the Veteran, June 8, 2020
- Section (§) 5103 Notice Response, all evidence has been submitted response selected,

- received June 20, 2020
- VA Form 21-526 EZ: Application for Disability Compensation and Related Compensation Benefits, June 19, 2020
- (telehealth) headaches disability benefits questionnaire, submitted by the Veteran, June 12, 2020
- statement from Veteran's domestic partner, March 3, 2020
- statement from the Veteran, June 19, 2020
- VA Form 21-0966, Intent To File A Claim For Compensation and/or Pension, or Survivors Pension and/or DIC, received February 27, 2020
- DD Form 214, Certificate of Release or Discharge from Active Duty, from April 24, 1985 through March 15, 1988
- Service Treatment Records, from April 24, 1985 through March 15, 1988
- Puget Sound VAMC (Veterans Affairs Medical Center) treatment records, from March 25, 2014 through June 12, 2020
- VA Form 10-7131, Exchange of Beneficiary Information and Request for Administrative and Adjudicative Action, Puget Sound records availability response, received November 20, 2017

### **REASONS FOR DECISION**

#### **Evaluation of migraine headaches currently evaluated as 0 percent disabling.**

The evaluation of migraine headaches is increased to 50 percent disabling effective February 27, 2020. An increase evaluation has been established within 1 year of receipt of the intent to file a claim, VA will consider the complete claim filed as of the date the intent to file a claim was received, if more than a year after discharge from active duty, in accordance with (38 CFR 3.155, 38 CFR 3.400, 38 CFR 4.124a).

We have assigned a 50 percent evaluation for your migraine headaches (also claimed as visual color changes, ocular migraines based on:

- Very frequent completely prostrating and prolonged attacks productive of severe economic inadaptability (38 CFR 4.124a)

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)

#### **REFERENCES:**