



**DEPARTMENT OF VETERANS AFFAIRS
VETERANS BENEFITS ADMINISTRATION
REGIONAL OFFICE**

[REDACTED]
VA File Number
[REDACTED]

**Rating Decision
12/29/2020**

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era. You served in the Navy from June 7, 1994 to January 14, 1999 and from January 15, 1999 to June 30, 2014. We received a request to reopen a previous claim on October 29, 2020. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

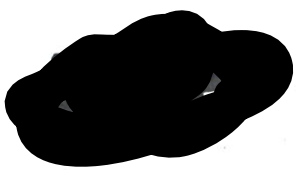
DECISION

Evaluation of irritable bowel syndrome with hiatal hernia with gastroesophageal reflux disease, status post Nissan Repair (also claimed as Nissan Fundal for severe indigestion, which is currently 0 percent disabling, is increased to 10 percent effective October 29, 2020.

EVIDENCE

- VA Form 20-0995, Decision Review Request - Supplemental Claims, received October 29, 2020
- Memorandum, Disabled American Veterans, received October 29, 2020
- Copies of service treatment records submitted by Veteran, received October 19, 2020
- Outpatient treatment records from Uniform Service Hospitals submitted by Veteran, for the period October 31, 2016 to June 16, 2020, received October 19, 2020



- 
- Request for application letter to Veteran, dated October 20, 2020
 - Outpatient treatment records, Uniform Service Hospital, for the period November 3, 2020 to December 8, 2020
 - **INTESTINAL CONDITIONS (OTHER THAN SURGICAL OR INFECTIOUS) (INCLUDING IRRITABLE BOWEL SYNDROME, CROHN'S DISEASE, ULCERATIVE COLITIS, AND DIVERTICULITIS) DISABILITY BENEFITS QUESTIONNAIRE, Veterans Evaluation Services (VES) VA Contract Exam, conducted November 22, 2020**
 - Medical Opinion from examiner, dated November 22, 2020
 - VA Rating Decision and evidence considered therein, Dated October 31, 2015
 - Notification of decision letter, dated November 18, 2015
 - Service treatment records for the period of active duty from June 7, 1994 to January 14, 1999, and from January 15, 1999, through June 30, 2014, received May 29, 2014, and July 1, 2014,

REASONS FOR DECISION

Evaluation of irritable bowel syndrome with hiatal hernia with gastroesophageal reflux disease, status post Nissan Repair (also claimed as Nissan Fundal for severe indigestion currently evaluated as 0 percent disabling.

This decision serves to service connection irritable bowel syndrome effective October 29, 2020. The effective date of this decision is the date of receipt of your VA 20-0995, Decision Review Request: Supplemental Claim. (38 CFR 3.2500(h)(2) Except as otherwise provided in this section, for supplemental claims received more than one year after the date on which the agency of original jurisdiction issues notice of a decision or the Board of Veterans' Appeals issued notice of a decision, the effective date will be fixed in accordance with the date entitlement arose, but will not be earlier than the date of receipt of the supplemental claim.


A ten percent evaluation is being established for irritable bowel syndrome and added to the previously established non-compensable evaluation for hiatal hernia with gastroesophageal reflux disease, status post Nissan Repair.

You were previously denied service connection of irritable bowel syndrome by VA rating decision dated October 3, 2015. You were denied because there was no evidence of a current diagnosis and or evidence establishing an association between a current diagnosis and event in service. You were notified of the decision by VA letter dated November 18, 2015. You submitted a supplemental claim along with medical evidence confirming a current diagnosis.

A medical opinion was requested to determine if you current disability could be associated with similar symptoms in service. The examiner provided an opinion that the current disability is at least as likely as not (50 percent or greater probability) incurred in or caused by the in-service injury, event or illness. Therefore, service connection is established.

The evaluation of irritable bowel syndrome with hiatal hernia with gastroesophageal reflux disease, status post Nissan Repair (also claimed as Nissan Fundal for severe indigestion is





established/increased to 10 percent disabling effective October 29, 2020. (38 CFR 4.1, 38 CFR 3.400)

Your hernia hiatal with gastroesophageal reflux disease , status post Nissan Repair) warrants a noncompensable evaluation based on:

- Impairment described below.

Your irritable colon syndrome (spastic colitis, mucous colitis, etc.) warrants a 10 percent evaluation based on:

- Moderate symptoms

Additional symptom(s) for your irritable colon syndrome (spastic colitis, mucous colitis, etc.) include:

- Alternating diarrhea and constipation

Ratings under diagnostic codes 7301 to 7329, inclusive, 7331, 7342, and 7345 to 7348 inclusive may not be combined with each other. In such cases, as in yours, a single rating will be assigned under the diagnostic code that reflects the predominant disability with elevation to the next higher evaluation where the severity of the overall disability warrants such elevation. {38 CFR §4.114}

We have assigned a 10 percent evaluation for your irritable bowel syndrome (spastic colitis, mucous colitis, etc.) based on:

- Moderate symptoms

Additional symptom(s) include:

- Alternating diarrhea and constipation

A higher evaluation of 10 percent is not warranted for your hernia hiatal with gastroesophageal reflux disease , status post Nissan Repair) unless there are two or more of the symptoms for the 30 percent evaluation of less severity. (A higher evaluation of 30 percent is not warranted for your hernia hiatal unless there is persistently recurrent epigastric distress with dysphagia, pyrosis, and regurgitation, accompanied by substernal or arm or shoulder pain, productive of considerable impairment of health.)

A higher evaluation of 30 percent is not warranted for your irritable colon syndrome (spastic colitis, mucous colitis, etc.) unless there are severe symptoms demonstrated by diarrhea, or alternating diarrhea and constipation, with more or less constant abdominal distress.

A higher evaluation of 30 percent is not warranted unless the record shows persistently recurrent epigastric distress with dysphagia, pyrosis, and regurgitation, accompanied by substernal or arm or shoulder pain which is productive of considerable impairment of health. (38 CFR 4.112, 38 CFR 4.113, 38 CFR 4.114)





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 website, www.va.gov.

