DEPARTMENT OF VETERANS AFFAIRS
Department of Veterans Affairs
Regional Office

[redacted]

Represented By:
NATIONAL ASSOC. OF COUNTY VETERANS SERVICE OFFICER
Rating Decision
02/17/2021

INTRODUCTION

The records reflect that you are a Veteran of the Gulf War Era. You served in the Army from August 7, 1999 to August 7, 2003 and from May 16, 2004 to December 17, 2005. We received your supplemental claim on January 8, 2021. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

DECISION

Evaluation of posttraumatic stress disorder, major depressive disorder, which is currently 70 percent disabling, is continued.

EVIDENCE

- VA Form 21-526EZ Veteran's Fully Developed Claim, received January 8, 2021
- Review Post Traumatic Stress Disorder Disability Benefits Questionnaire, received February 16, 2021
- Section (§) 5103 Notice Response, received January 25, 2021

REASONS FOR DECISION

Evaluation of posttraumatic stress disorder, major depressive disorder currently evaluated as 70 percent disabling.

The evaluation of posttraumatic stress disorder, major depressive disorder is continued as 70 percent disabling.

An evaluation of 70 percent is assigned for occupational and social impairment, with deficiencies in most areas, such as work, school, family relations, judgment, thinking, or mood, due to such symptoms as: suicidal ideation; obsessional rituals which interfere with routine activities; speech intermittently illogical, obscure, or irrelevant; near-continuous panic or depression affecting the ability to function independently, appropriately and effectively; impaired impulse control (such as unprovoked irritability with periods of violence); spatial disorientation; neglect of personal appearance and hygiene; difficulty in adapting to stressful circumstances (including work or a worklike setting); inability to establish and maintain effective relationships. A higher evaluation of 100 percent is not warranted unless there is total occupational and social impairment due to such symptoms as: gross impairment in thought processes or communication; persistent delusions or hallucinations; grossly inappropriate behavior; persistent danger of hurting self or others; intermittent inability to perform activities of daily living (including maintenance of minimal personal hygiene); disorientation to time or place; memory loss for names of close relatives, own occupation, or own name. (38 CFR 4.126, 38 CFR 4.130)

A higher evaluation of 70 percent is not warranted unless there are deficiencies in most areas, such as work, school, family relations, judgment, thinking, or mood, due to such symptoms as: suicidal ideation; obsessional rituals which interfere with routine activities; speech intermittently illogical, obscure, or irrelevant; near-continuous panic or depression affecting the ability to function independently, appropriately and effectively; impaired impulse control (such as unprovoked irritability with periods of violence); spatial disorientation; neglect of personal appearance and hygiene; difficulty in adapting to stressful circumstances (including work or a worklike setting); inability to establish and maintain effective relationships. 38 CFR 4.126, 38 CFR 4.130

Laws and Regulations applicable to this issue:

38 CFR §3.159 Department of Veterans Affairs assistance in developing claims.
38 CFR §3.321 General rating considerations.
38 CFR §4.1 Essentials of evaluative rating.
38 CFR §4.2 Interpretation of examination reports.
38 CFR §4.6 Evaluation of evidence.
38 CFR §4.7 Higher of two evaluations.
38 CFR §4.10 Functional impairment.

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.