

**8. Service connection for sleep apnea as secondary to the service-connected disability of degenerative joint disease (DJD), lumbar spine, L4.**

Service connection may be granted for a disease or injury which resulted from a service-connected disability or was aggravated thereby. The evidence does not show that sleep apnea is related to the service-connected condition of degenerative joint disease (DJD), lumbar spine, L4, nor is there any evidence of this disability during military service. (38 CFR 3.303, 38 CFR 3.304, 38 CFR 3.310)

Your service treatment records do not contain complaints, treatment, or diagnosis for this condition. The evidence does not show an event, disease or injury in service. (38 CFR 3.303, 38 CFR 3.304) We did not find a link between your medical condition and military service. (38 CFR 3.303) Service connection may be granted for a disease or injury which resulted from a service-connected disability or was aggravated thereby. The evidence does not show that your claimed disability is related to a service-connected disability, nor is there any evidence that your claimed disability was incurred during military service. (38 CFR 3.303, 38 CFR 3.306, 38 CFR 3.310) The VA medical opinion found no link between your diagnosed medical condition and military service. Some evidence supports your claim; however, we found other medical evidence more persuasive because it is supported by a greater degree of medical confidence. (38 CFR 4.6)

Your medical examiner opined, "The claimed condition is less likely than not (less than 50 percent probability) proximately due to or the result of the Veteran's service connected condition." The examiner also stated, "There is no credible medical authority or peer reviewed study that has demonstrated that OSA is proximately due to a lumbar spine condition."

A claim for service connection requires evidence of a current disability, evidence of incurrence or aggravation of a disease or injury in service, and evidence of a nexus, or link between the in-service injury or disease and the current disability. Because the evidence has not satisfied these three criteria together, your claim for this condition is denied. (38 CFR 3.303, 38 CFR 3.304)

Favorable Findings identified in this decision: